PLANNING APPLICATIONS COMMITTEE

Wednesday, 15th March, 2023

10.00 am

Council Chamber, Sessions House, County Hall, Maidstone

AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 15th March, 2023, at 10.00 am
Council Chamber, Sessions House, County Hall, Maidstone

Ask for: **Emily Kennedy**
Telephone: **03000419625**

Membership (13)

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

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interest
3. Minutes of the meeting on 25 January 2023 (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE APPLICATIONS

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Construction of new 3G synthetic turf multi-use games area and installation of fencing and access path,Bidborough Primary School, Spring Lane, Bidborough, Tunbridge Wells, Kent, TN3 0UE – TW/22/3310 (KCC/TW/0197/2022) (Pages 7 - 38)

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 39 - 40)

2. County Council developments (Pages 41 - 44)

3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 45 - 46)

4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 47 - 48)

F. KCC RESPONSE TO CONSULTATIONS

1. Planning Application Ref: 20221064 - Land Surrounding Ebbsfleet United Football Club, bounded By Lower Road, Railway Line, Grove Road and The River Thames, Northfleet, Gravesend (Pages 51 - 114)

2. Pembury Neighbourhood Plan - Regulation 16 Consultation (Pages 115 - 180)

3. Faversham Neighbourhood Plan - Regulation 14 Consultation. (Pages 181 - 250)

4. Swanley Neighbourhood Plan - Regulation 14 Consultation (Pages 251 - 314)

5. Planning Application Ref: 22/503654/EIOUT - Land to the west of Bobbing, Sittingbourne (Pages 315 - 334)

6. Planning Application Ref: 21/503906/EIOUT - Land to the west of Teynham, London Road, Teynham (Pages 335 - 408)

7. Planning Application Ref: 21/503914/EIOUT - Land to the south & east of Sittingbourne (Pages 409 - 488)

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, 7 March 2023

(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.)

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, 25 January 2023.

PRESENT: Mr A Booth (Vice-Chairman), Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Peter Harman, Ms J Meade, Mr H Rayner, Mr O Richardson, Mr T Bond and Mrs S Hudson

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications), Ms M Green (Principal Planning Officer), Mrs H Edwards (Senior Planning Officer), Ms E Kennedy (Democratic Services Officer), and Ms S Bonser (Senior Solicitor, Invicta Law)

UNRESTRICTED ITEMS

1. Election of Chairman

(Item A1)

1) Mr Crow-Brown proposed, Mr Rayner seconded and Members AGREED that Mr Booth be elected as Chair.

2) Mr Booth proposed, Mr Crow-Brown seconded and Members AGREED that Mr Rayner be elected as Vice Chair.

2. Announcement

1) The Chairman announced the passing of Cameron Beart.

2) Members paid tribute to Mr Beart.

3. Apologies

(Item A2)

Apologies were received from Mr Chittenden, Mrs Binks, Mr Simkins for whom Mr Bond was present and Mrs S Hudson was also present as a substitute.

4. Minutes of the Planning Applications Committee on 7 December 2022

(Item A4)

RESOLVED that the minutes of the meeting held on 7 December 2022 were correctly recorded and that they be signed by the Chairman, subject to it being noted that Mary Green was not present.

5. Site Meetings and Other Meetings

(Item A5)

Members of the Planning Applications Committee were invited to a site visit at Hermitage Quarry, Maidstone and a potential site visit to the M2 works at Junction 5 with arrangements to be confirmed.

6. General Matters
(Item B1)

A short training session on the Government's Prospectus for revising the National Planning Policy Framework would take place on the rising of Committee.

7. Proposed 1FE expansion of school involving demolition of blocks N & T, and the erection of a new part 2 and part 3 storey school building and visitors centre with associated landscaping works - Maidstone Grammar School for Girls, Buckland Road, Maidstone, Kent ME16 0SF
(Item D1)

1) Mary Green, Principal Planning Officer outlined the report.

2) Mr Rayner proposed, Mr Dendor seconded and Members RESOLVED that:

Permission be granted, subject to:

The signing of the Memorandum of Understanding (securing funding for the monitoring of the School Travel Plan and the agreement to fund additional bus services for the school should they be needed) and conditions covering (amongst other matters) the following:

1. The standard 3-year time limit;

2. The development to be carried out in accordance with the permitted details;

3. The development shall be constructed in accordance with the details of all construction materials set out in the submitted documents and application drawings;

4. Retention/maintenance of at least 30 car parking spaces being kept available for the use of the development outside of school times; 5. All construction and demolition works shall be undertaken in accordance with the submitted Construction Management Plan (Rev 1.3 dated 10/01/23);

6. Provision and implementation of a revised School Travel Plan that has been approved by the Planning and Highway Authorities prior to occupation, to include monitoring of bus users, encouragement of staff members to travel by non-car means, monitoring of cycle spaces, and monitoring and managing the arrival and departure of pupils, amongst other matters;

7. Travel Surveys of both staff and pupils to be undertaken annually in accordance with the submitted School Travel Plan (via the Jambusters website) and compared to the targets given. Any further mitigating measures, if the targets are not met, to be submitted to and approved by the County Planning Authority. Any identified shortfall in the bus services to be appropriately addressed in accordance with the submitted MOU regarding provision of bus services;

8. The provision of 22 secure and weatherproof cycle parking spaces prior to occupation, details of which to be agreed by the Planning and Highway Authorities;

9. Permanent retention of the on-site car parking, vehicle loading/unloading and turning facilities shown on the submitted plans;

10. Provision of measures to prevent the discharge of surface water onto the highway;

11. Provision of wheel washing facilities prior to the commencement of works on site;

12. Submission on an Ecological Enhancement Plan within 3 months of work commencing on site to be and agreed in writing by the County Planning Authority;
13. The installation of tree protection fencing prior to the commencement of development;

14. The external lights shall be controlled by a daylight sensor control and shall be switched off by 9pm at the latest;

15. Roof lights shall only be used for emergency access;

16. No infiltration of surface water drainage into the ground, other than with the written approval of the County Planning Authority and shall only be used in those areas where there would be no unacceptable risk to controlled waters or ground stability;

17. If during development contamination not previously identified is found to be present, then no further development shall take place until a remediation strategy has been agreed with the County Planning Authority;

18. No piling shall take place on site without the written approval of County Planning Authority;

19. The surface water drainage system shall be implemented as set out in the approved documents;

20. Submission of a verification report covering the surface water drainage scheme, to be approved in consultation with the Lead Local Flood Authority prior to occupation of the development;

21. Prior to commencement of development, the submission of archaeological field evaluation works to be submitted and approved by the County Planning Authority;

22. Implementation of a phased programme of archaeological interpretation work, prior to occupation.

23. Within 6 months of the occupation of the new School Building, Blocks N and T shall be demolished and the site made good in accordance with the approved drawings and documents.

And the following INFORMATIVES being added:

1. The registering with Kent County Council of the School Travel Plan through the "Jambusters" website following the link http://www.jambusterstpms.co.uk;

2. Advice that planning permission does not convey any approval to carry out work on or affecting a public highway and that engagement with KCC Highways and Transportation would be required at an early stage

3. The applicant be reminded of the need to protect breeding and nesting birds under the Wildlife and Countryside Act

4. Advice on risks caused by piling resulting in contamination of ground water

5. That disposal of contaminated soil should be carried out in accordance with waste management legislation

6. That the developers should refer to the Definition of Waste: Development Industry Code of Practice

7. The applicant be encouraged to explore the potential for relocation of the covered seating area displaced by the development, to elsewhere on the site and explore the possibility of moving the covered seating area to the grassed areas provided by the demolition of buildings N and T.

8. E1-E4
(Item E1)

RESOLVED to note matters dealt with under delegated powers since the meeting on 7 December 2022 relating to:

E1 County matter applications

E2 County Council developments

E3 Screening Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

E4 Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

9. Planning Application Ref: PA/2022/2772 - Land south of Asda, Kimberley Way, Ashford
(Item F1)

RESOLVED to note Kent County Council's response to Planning Application Ref: PA/2022/2772 - Land south of Asda, Kimberley Way, Ashford.

10. Planning Application Ref: EDC/22/0168 – Ebbsfleet Central East, Land adjacent to Ebbsfleet Railway Station, Thames Way, Ebbsfleet
(Item F2)

RESOLVED to note Kent County Council's response to Planning Application Ref: EDC/22/0168 – Ebbsfleet Central East, Land adjacent to Ebbsfleet Railway Station, Thames Way, Ebbsfleet.

11. Maidstone Borough Council Design and Sustainability Development Plan Document Consultation
(Item F3)

RESOLVED to note Kent County Council's response to Maidstone Borough Council Design and Sustainability Development Plan Document Consultation.

12. Dover District Council Local Plan Regulation 19 Consultation
(Item F4)

RESOLVED to note Kent County Council's response to Dover District Council Local Plan Regulation 19 Consultation.

13. Sevenoaks District Council Plan 2040 Regulation 18 Consultation
(Item F5)

RESOLVED to note Kent County Council's response to Sevenoaks District Council Plan 2040 Regulation 18 Consultation.

(a) **FIELD**
(b) **FIELD_TITLE**

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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Construction of new 3G synthetic turf multi-use games area and installation of fencing and access path, Bidborough Primary School, Spring Lane, Bidborough, Tunbridge Wells, Kent, TN3 0UE – TW/22/3310 (KCC/TW/0197/2022)

A report by Head of Planning Applications Group to Planning Applications Committee on 15 March 2023.

Application by Bidborough Primary School for a 3G synthetic turf MUGA pitch and the installation of fencing and access path – Bidborough Primary School, Spring Lane, Bidborough, TN3 0UE (Ref: KCC/TW/0197/2022 and TW/22/3310).

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

Local Member: Mr McInroy **Classification:** Unrestricted

Site

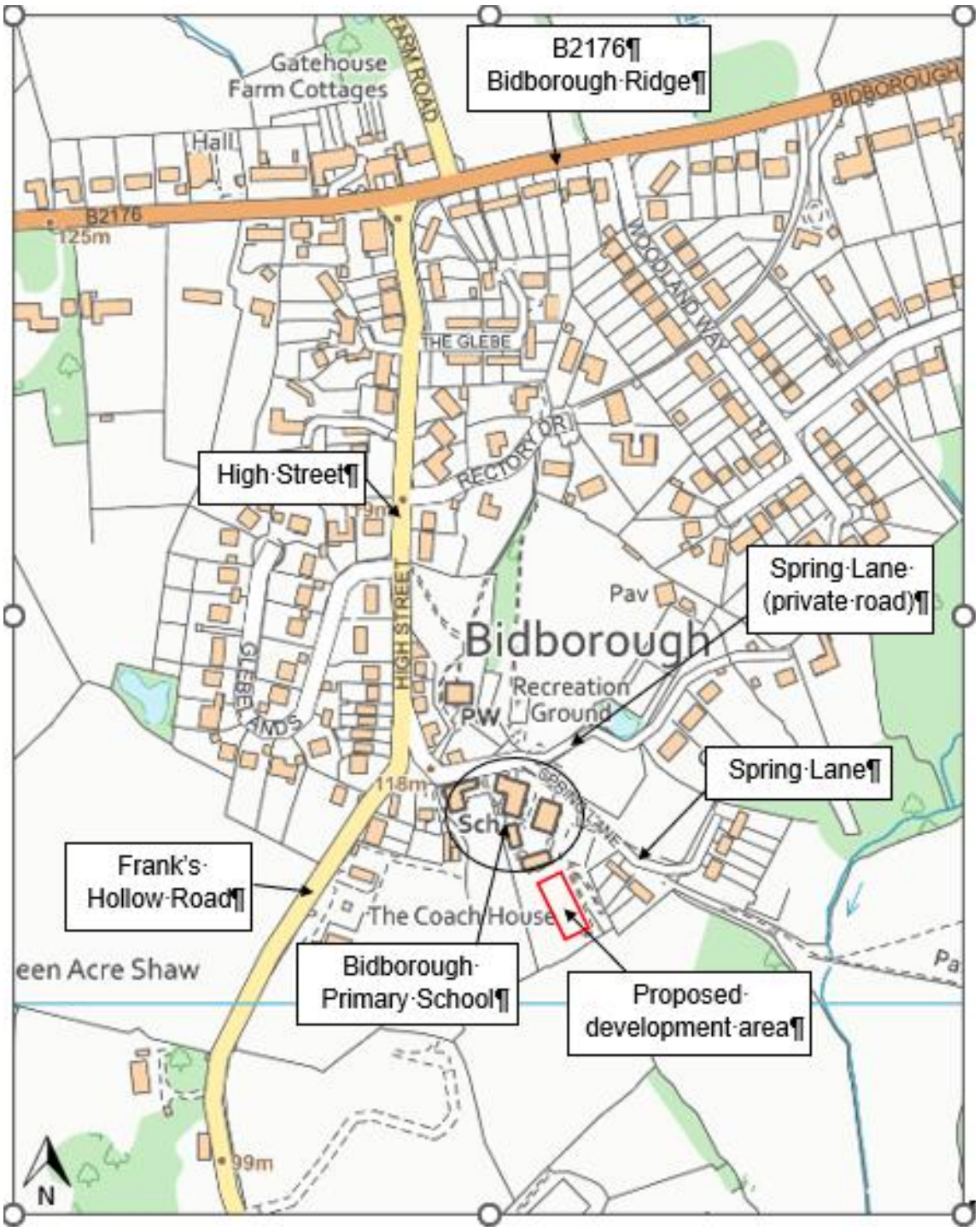
1. Bidborough Church of England Primary School is located off Spring Lane in Bidborough, Tunbridge Wells. Bidborough is located to the north of Tunbridge Wells and is located off the A26 London Road which is the main road between Tonbridge and Tunbridge Wells. Spring Lane, which is a steep single track no through road, is accessed off the High Street/Frank's Hollow Road and provides access to a small number of properties, the School, allotments, and a recreation ground, as well as a play area located in the Peter Roberts field. Near to the main vehicular entrance to the school, there is a private road leading off Spring Lane, which is also labelled as Spring Lane. Please see the Site Location Plan.

2. The school buildings are located to the north and the higher part of the school site and the school's playing field, and hard playground are located to the south and the lower part of the site. The area around the existing playing field is bordered by mature trees to the west and south, and residential properties to the east.

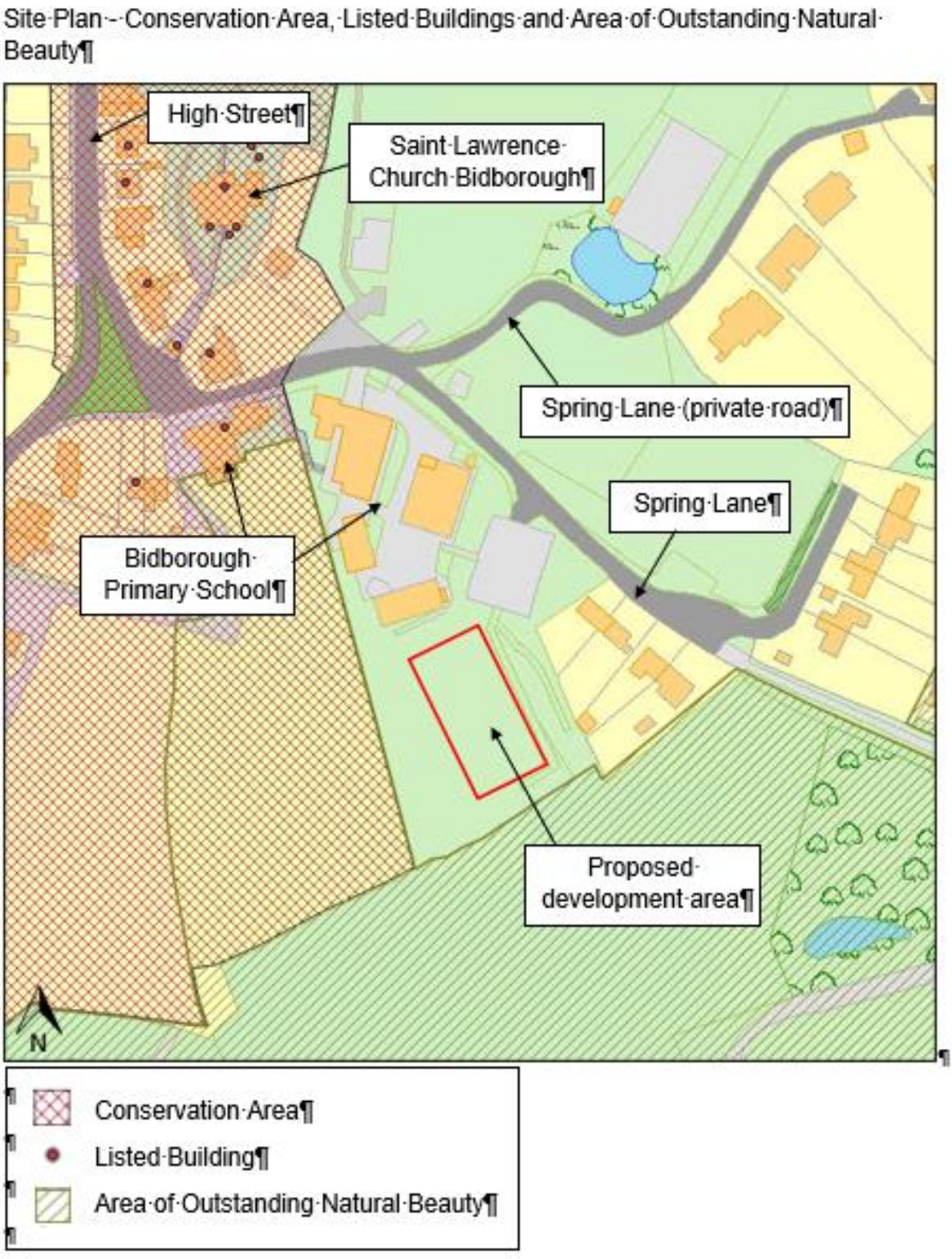
3. The whole of the school site is located within the Metropolitan Green Belt and is also adjacent to the Bidborough Conservation Area and the High Weald Area of Outstanding Natural Beauty, both of which are located to the southern and western boundaries of the school site. The School House and the Old School is a Grade II Listed Building. There are also a number of Listed Buildings located in the vicinity of the school, including St Lawrence's Church.

Proposed 3G synthetic turf MUGA with associated fencing and path – Bidborough Primary School, Spring Lane, Bidborough – TW/22/3310

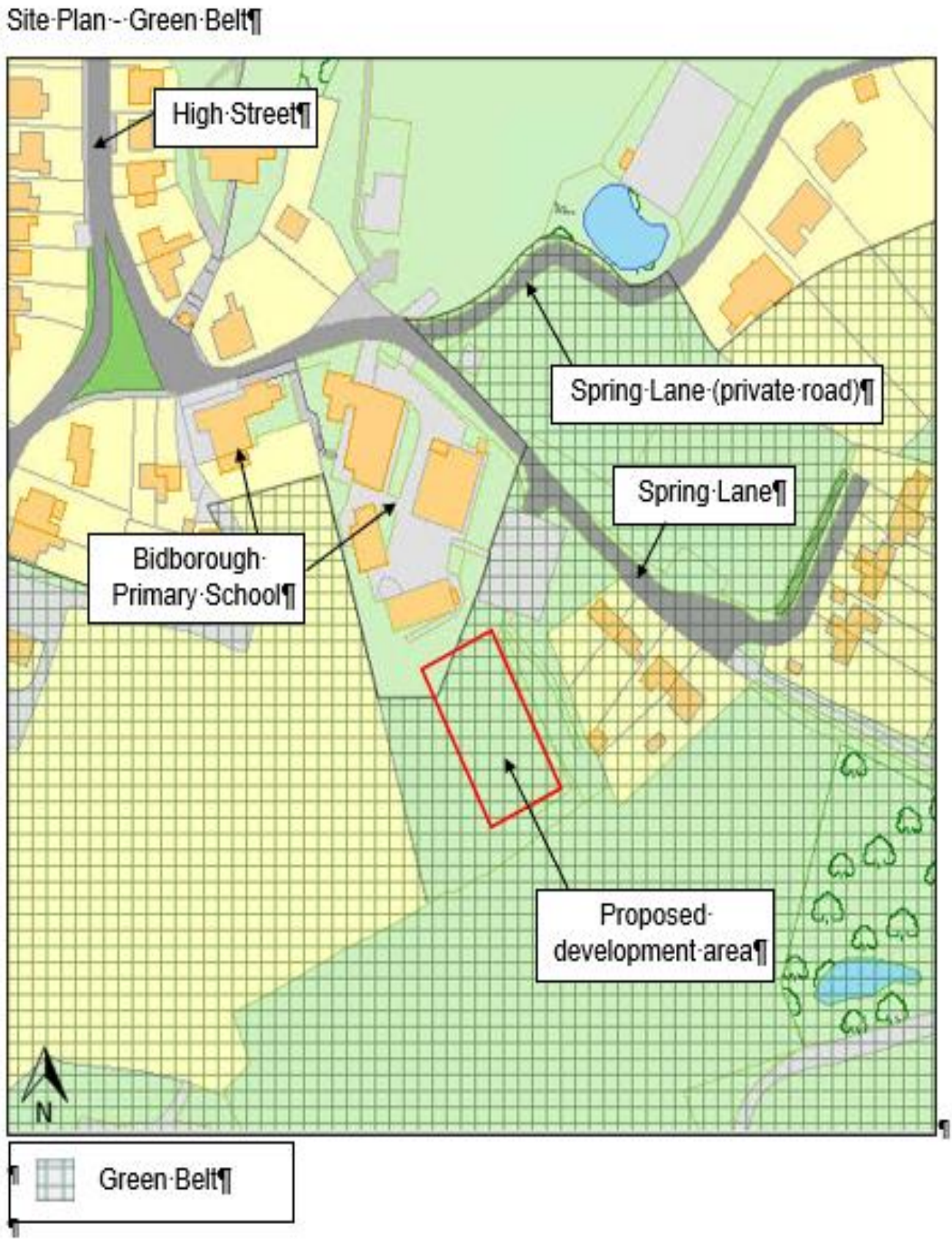
Site Location Plan



Site Location Plan showing the Bidborough Conservation Area, Listed Buildings and AONB



Site location plan showing the Green Belt

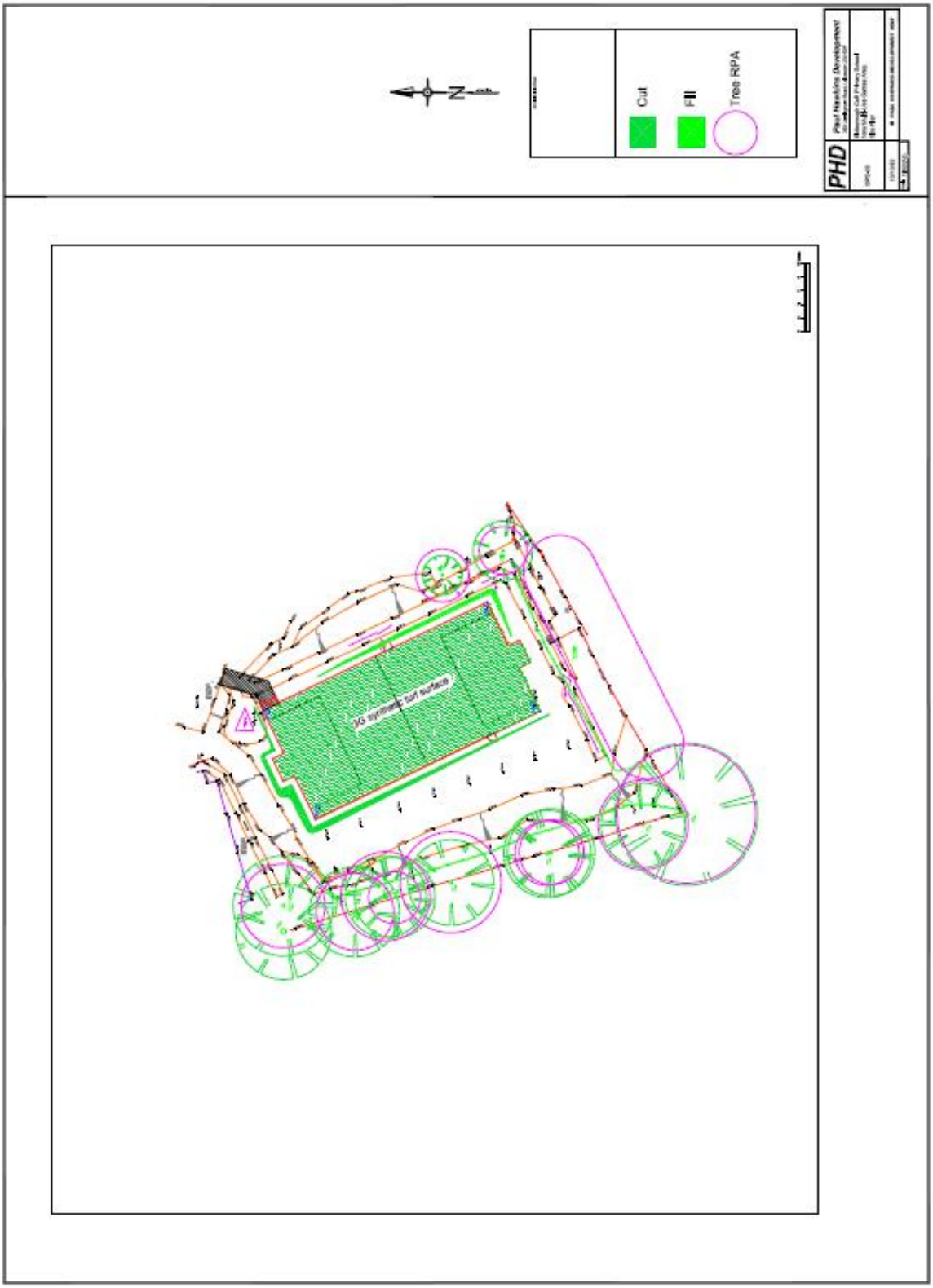


Proposed 3G synthetic turf MUGA with associated fencing and path – Bidborough Primary School, Spring Lane, Bidborough – TW/22/3310

Site Location Plan

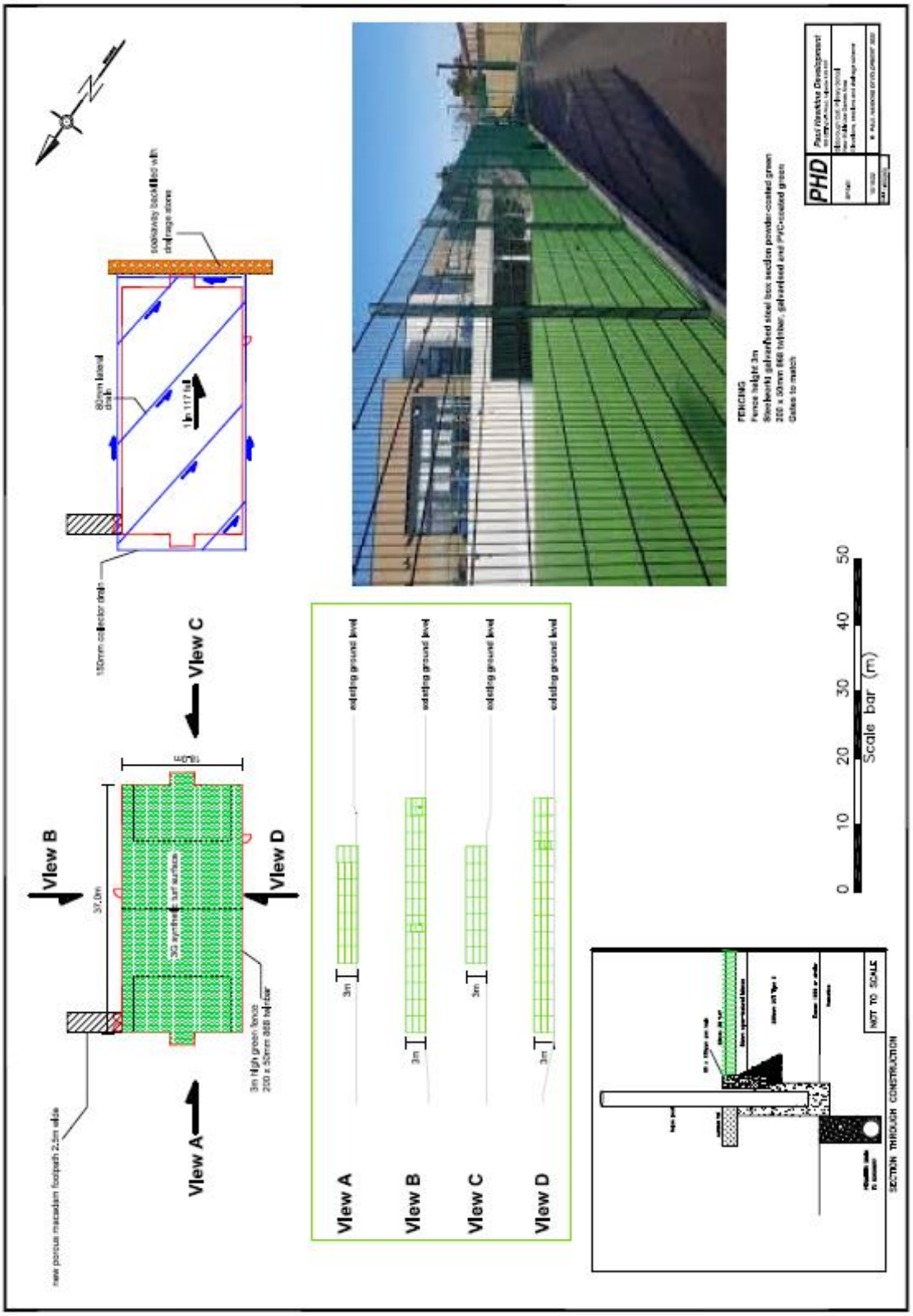
Proposed 3G synthetic turf MUGA with associated fencing and path – Bidborough Primary School, Spring Lane, Bidborough – TW/22/3310

Site Plan



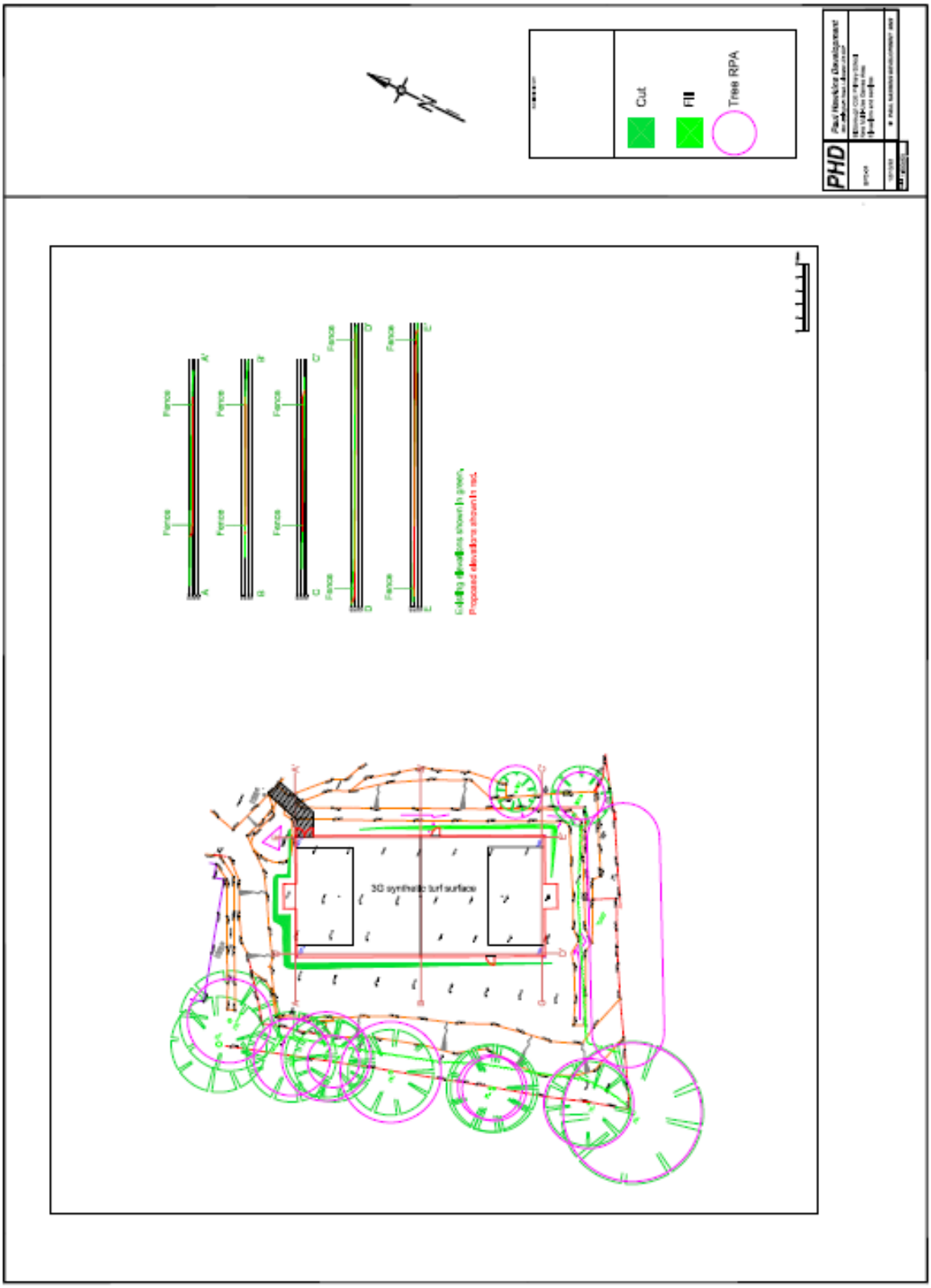
Proposed 3G synthetic turf MUGA with associated fencing and path – Bidborough Primary School, Spring Lane, Bidborough – TW/22/3310

Elevations, Sections and Drainage Scheme Plan



Proposed 3G synthetic turf MUGA with associated fencing and path – Bidborough Primary School, Spring Lane, Bidborough – TW/22/3310

Elevations and Sections Plan



Proposed 3G synthetic turf MUGA with associated fencing and path – Bidborough Primary School, Spring Lane, Bidborough – TW/22/3310

Aerial photographs of school site with the proposed MUGA

Proposed 3G synthetic turf MUGA with associated fencing and path – Bidborough Primary School, Spring Lane, Bidborough – TW/22/3310

Background

3. Bidborough Church of England Primary School is an oversubscribed school admitting pupils from nearby villages and Tonbridge. It is a 1 form of entry (FE) school with 208 pupils aged 4 to 11 years old. The School has no plans to expand the current Pupil Admission Number (PAN). Currently there are around 30 members of staff at the school, many of whom work part time. There are 9 staff parking spaces at the school and 2 disabled parking spaces located to the front of the school in Spring Lane.

4. The School occupies an ad-hoc range of buildings on a steeply sloping site. There are steep steps between classrooms, leading to the school hall, which is located on the lower level. The reception class is in the original classroom at the top. The school office is in an outbuilding across the small playground at the top of the slope. The main playground, to which reception pupils are led up and down the steps, is on the lower level.

5. The school currently has a hard netball court marked out on the school's main playground and a natural turf playing field but the School has confirmed that they would like to be able to make more use of the playing field to play other competitive games, and to support the physical activity curriculum and as well as being used by Bidbor'Out! the school's breakfast and after-school provider. Bidbor'Out is run by parents of children who attend Bidborough Primary School.

6. A planning application was approved in 2002 for a playground extension which also included proposals to level out the existing sloping playing field and to improve the drainage. The School advise that these works have proved to be unsuccessful and the use of the playing field has become increasingly difficult. During the winter months the field is waterlogged and during the summer months the surface is firm, uneven and deemed unsafe to play on. Despite numerous attempts to improve the playability of the field it still remains unplayable for some 10 months of the year. Due to the numerous attempts to recover the field the School has decided to look at an artificial surfacing option.

7. Currently the pupils are having to use a small playground area the size of a 7v7 junior pitch and as they do not have access to the grass playing field due to the poor conditions of the field for most of the year. Participation in recreational sports within the school community is high but the existing grass facilities are a limiting factor and there is a very restricted amount of space available for recreation or curriculum-based learning.

8. Day to day, the school use is affected by the lack of space. The school has to stagger break and lunchtimes as they only have use of the small playground for most of the year. This also leaves the school with no space for additional enrichment sporting activities. As the pupils are sharing a smaller space, the school has to limit the activities that they can do with the pupils playing football or netball during the week on a rota basis. As a result, this means that the school cannot provide the government guidance of 'at least 30 minutes of physical activity a day' for all children.

9. The school playing field is bordered by 4 properties to the east and due to the level changes between the playing field and these properties, the playing field can only be viewed from the upper storeys. Surrounding the schools playing field on the southern and western borders and partially on the eastern border (and in front of some of the 4 properties) is a band of mature trees.

Recent Planning History

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

TW/21/3157	Proposed pathway and fencing improvements to facilitate safer pedestrian access. Withdrawn.
TW/11/705	Erection of 6.0m flagpole with 'Eco-Schools' Green Flag, following successful achievement of Green Flag status. Granted with conditions.
TW/09/3092	Erection of a canopy with opaque polycarbonate roof, supported on six white posts. Granted with conditions.
TW/08/2608	Outdoor classroom - A pergola style structure, open on all sides with a pitched roof. Withdrawn.
TW/06/3338	To utilize the area to the hall/dining block to provide a fully disabled toilet, large store, and new entrance to the hall. Granted with conditions.
TW/03/2537	Extension to provide new staffroom, visitor's entrance and group teaching space. Relocate headteacher and staff administration rooms to the existing main block. Granted with conditions.
TW/03/501	Moving the existing vehicular entrance to separate the pedestrian and vehicle access to the school site, renewing fencing along the boundary at the same height as existing fence. Granted with conditions.
TW/02/1222	Extension of playground to develop an unused area of grassland and to flatten the playing field, incorporating suitable drainage, and to fence the sports area [playground] to a height of approximately 3 metres. Granted with conditions.

Proposal

11. The planning application has been submitted by Bidborough Primary School and proposes the construction of a 3G synthetic turf multi-use games area (MUGA) and the installation of fencing, lockable gates and access path. It is proposed to locate the MUGA on the footprint of the natural turf playing field. The area of the proposed MUGA would measure 37m x 18m with a green coloured synthetic turf surface and is proposed to be marked out with white lines primarily for mini soccer. The MUGA is proposed to be surrounded by a 3m high dark green twin bar rebound fence and lockable gates to ensure that the facility is used correctly by authorised personnel only, as well as to prevent ball loss and surface contamination from the 3G synthetic turf.

12. The proposed MUGA is on the footprint of the natural turf playing field, which was the subject of the 2002 planning application (listed in paragraph 10 above) which proposed to level the land to create a more suitable playing field. The current proposal also includes a porous macadam path to be created from the existing playground to the entrance of the MUGA and this would remove any requirement for the pupils to walk on the grass when it is wet or muddy.

13. The applicant has stated that there is little room for manoeuvre in the design of the playing surface itself, since dimensions and gradients are fixed by the Sport Governing Bodies. The proposed construction would be based on a balanced cut and fill (approx. 300m of cut and 200mm of fill) to minimise the impact on the environment and the need for import or export of subsoil.

14. Furthermore, the applicant has confirmed that the pitch has been positioned to facilitate easy access, whilst eliminating the need for any mature tree removal, and avoiding any damage to the existing trees to the west and south of the proposed development. An Arboricultural Assessment has been submitted to accompany the planning application and the applicant has confirmed that all the recommendations within this report would be complied with in full.

15. The applicant has confirmed that the proposed fencing and steelwork would be finished in a dark green powder coated colour so to be as 'invisible' as possible against the backdrop of the area surrounding it. The proposed fence would be 3m high and the gates would be lockable. Access for emergency vehicles would be from the existing access located off Spring Lane. It is also proposed that the construction access would be from Spring Lane and across the existing playground. If planning permission was to be granted, then it is proposed to carry out the work during the school summer holidays. Any disturbed areas are proposed to be re-instated to their original condition following construction of the proposed MUGA. The playing surface of the pitch is proposed to consist of infilled synthetic turf above specialist macadam, which would be porous to rainwater. The surface would be constructed and perform to the requirements of a BSEN15330-1 (surfaces designed primarily for football), and the SAPCA code of practice for the Construction of Outdoor Multi-Use Games Areas Type 8 MUGA (2014).

16. The entire structure, consisting of playing surface, base and stone sub-base would be fully permeable. During heavy rainfall, the stone base would act as a water storage medium with a slow-release rate. The drainage characteristics would therefore be similar to the existing natural turf. The drainage design is compatible with SUDS requirements. Additionally, all construction materials would be inert to prevent pollution of surface water.

17. No existing trees or their root protection areas (RPA's) would be affected by the proposed development. It is also not proposed to add or change the existing parking spaces on the site, nor the existing access routes. There is no proposal to increase pupils' numbers or staff numbers as a result of this planning application. There are also no floodlights, or any other lighting proposed as part of the planning application.

18. The applicant has confirmed that the proposed 3G artificial turf MUGA is to be used for school use only and by its breakfast and after-school provider, Bidbor'Out, which reflects current arrangements. There are no proposals to hire the MUGA to community groups outside of school hours or during the school holidays. Therefore, the proposed hours of use of the MUGA have been confirmed to be Monday to Friday

between 0800 and 1800 hrs. Outside of the school day, it is proposed that the MUGA would be available for use by the School's breakfast and after-school club Bidbor'Out. On a Saturday the proposed hours would be between 0800 and 1600 hrs and this would be by the school, and directly for school organised use, such as use by parents for special events such as birthday parties of the children at the school. At present, parents are able to book the hall, playground and playing field for this type of event. That use is proposed to continue with the MUGA but would not be any greater in extent than that already taking place.

19. Currently Sunday use of the school site between the hours of 0800 and 1600 hrs is limited to the church's children's groups and (occasionally) a birthday party for a child in the School as detailed above. If the playing field is unavailable as a result of weather conditions, use is made of the small playground at present. It is not proposed to change any of the existing arrangements. In the school holidays (Easter and Summer) the School currently offers activity days (not every day), run by a member of the School staff, which makes use of the playing field and playground (alongside many other facilities in the school). The School anticipates continuing to do this, but not increasing it, using the MUGA in place of the field or playground. This is open only to pupils of the school. Hours of use would be 0800 to 1800hrs as at present. There are no proposals to use the MUGA on bank holidays.

Planning Policy Context

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

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

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

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

- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- Taking a positive approach to applications that make more effective use of sites that provide community services such as schools, provided this maintains or improves the quality of service provision and access to open space and making decisions that promote an effective use of land while

safeguarding and improving the environment and ensuring safe and healthy living conditions;

- Ensure that planning policies and decisions provide the social, recreational and cultural facilities and services the community needs, by planning positively for the provision and use of shared spaces and community facilities such as sports venues or open spaces to enhance the sustainability of communities and residential environments;

- Conserving and enhancing the natural environment;

- Planning policies and decisions should prevent unacceptable risks from pollution and land instability and should ensure that new development is appropriate for its location;

- The great importance the Government attaches to Green Belts, with the fundamental aim of Green Belt Policy being to prevent urban sprawl by keeping land permanently open;

- Conserving and enhancing the natural environment, including the conversing and enhancing of Areas of Outstanding Natural Beauty;

- Conserving and enhancing the historic environment.

In addition, Paragraph 95 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.*

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

(iii) **Development Plan Policies**

(iii) **Tunbridge Wells Borough-Local Plan 2006 (Saved Policies)**:

Policy MGB1 States the openness of the Metropolitan Green Belt will be preserved and no development which would conflict with the purposes of including land within it will be permitted. Within the Metropolitan Green Belt, planning permission will not be granted other than for:

(1) The construction of a new building or buildings for one of the following purposes:

(b) essential facilities for outdoor sport or recreation which preserves the openness of the Metropolitan Green Belt and do not conflict with its purposes.

Policy EN1 Seeks all proposals to be compatible in nature and intensity with neighbouring uses and not cause significant harm to character and amenities of the area in terms of daylight, sunlight, privacy, noise or excessive traffic generation. Seeks the design of the proposal to respect the context of the site and not cause significant harm to residential amenities.

Policy EN5 Seeks to ensure that proposals for development within, or affecting the character of, a conservation area, will only be permitted if the proposal would preserve or enhance the buildings, related spaces, vegetation and activities which combine to form the character and appearance of the area.

Policy EN15 Seeks to prohibit proposals that would have adverse impact upon the nature conservation interest.

Policy EN16 Seeks to ensure that there is no adverse or unacceptable impact on the water quality or potential yield of groundwater.

Policy EN25 Seeks to ensure that outside of the Limits to Built Development, that all proposals for development would have a minimal impact on the landscape character of the locality, would have no detrimental impact on the landscape setting of settlements, would not result in unsympathetic change to the character of a rural lane, and new buildings should be located adjacent to existing buildings or well screened by vegetation.

Policy R1 Seeks to ensure that proposals would not result in the loss of recreation open space and would only be permitted where no deficiency in accessible open space in that area.

(iv) **Tunbridge Wells Borough Core Strategy 2010**

Core Policy 2 Seeks to ensure that the boundaries of the Green Belt are defined and that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Any new development should accord with national guidelines.

Core Policy 4 Seeks to ensure that the Borough's built and natural environments, which are rich in heritage assets, landscape value and biodiversity, are conserved and enhanced.

Core Policy 5 The Borough Council will apply and encourage sustainable design and construction principles and best practice. Developments should also be of high quality design, creating

safe, accessible, and adaptable environments, whilst conserving and enhancing the public realm.

Core Policy 9 Development must conserve and enhance the landscape and heritage and biodiversity assets of Royal Tunbridge Wells, including the surrounding Area of Outstanding Natural Beauty, to secure its special character in the long term. The general extent of the Green Belt will be maintained for the Plan period.

(v) **Tunbridge Wells Borough Local Plan - Submission Local Plan – submitted October 2021**

Policy STR2 Place Shaping and Design. All new development must aim to meet high standards of urban and architectural design.

Policy STR8 Conserving and Enhancing the Natural, Built and Historic Environment. Development is expected to make a positive contribution to the natural, built, and historic environment of the borough. Within the area designated as the High Weald Area of Outstanding Natural Beauty, and its setting, development will be managed in a way that seeks to conserve and enhance the natural beauty of the area, commensurate with the "great weight" afforded to Areas of Outstanding Natural Beauty within the NPPF.

Policy STR9 Green Belt. Inappropriate development in the Green Belt, as defined in the NPPF, will have to demonstrate very special circumstances which will need to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm (Development in the Green Belt is considered inappropriate unless it meets the exceptions set out in the NPPF July 2021, paragraph 149).

Policy EN4 Historic Environment. All new development shall contribute to the overall conservation and, where possible, enhancement, of the historic environment of the borough.

Policy EN5 Heritage Assets. Any development that might directly or indirectly affect the significance of a conservation area, will be required to submit a heritage statement. This includes development affecting their setting.

Policy EN19 The High Weald Area of Outstanding Natural Beauty. All development within, or affecting the setting of, the High Weald Area of Outstanding Natural Beauty (AONB) shall seek to conserve and enhance its landscape and scenic beauty, having particular regard to the impacts on its character components.

Policy OSSR 1 Retention of Open Space. Existing open space, sports, and recreational buildings and land, including playing fields, as defined on the Policies Map, unless allocated for another

purpose/use/development in this Local Plan, should be retained and not be built on.

Consultations

21. **Tunbridge Wells Borough Council:** Raises no objection to the planning application.

Bidborough Parish Council: Raises no objection to the planning application but did express concern over the size of the MUGA, visibility from the road and potential for community use which would not be welcomed.

Kent Highways: Raises no objection subject to the imposition of conditions including no delivery movements to take place before 0900 hrs or between 1415 -1530 hrs; work is carried out is in accordance with the Construction Environmental Management Plan, and no community use (beyond the school and afterschool club). Informatives have also been requested reminding the applicant that permits will be required for any traffic management arrangements and that this needs to be arranged via the Streetworks Team and that a letter drop is undertaken to affected residents including the church.

KCC's Conservation Officer: Raises no objection and has the following comments to make:

"The proposed MUGA is located on an existing sports field to the south of the school which is outside the eastern boundary of the Conservation Area and is well screened with mature trees on the west, south and south east sides. Due to the geography of the site, the construction of a MUGA in this location would have no impact on the setting of the Conservation Area or the Listed Buildings in the vicinity.

Any harmful impacts on the AONB would also be negligible, as the proposed formalisation of this enclosed area, which is already in use as a sports field and sits adjacent to an existing sports court, does not constitute a major change from the existing use. The visual impact of the dark green mesh fence is low, as is the synthetic turf finish which would be little different in appearance to the existing grassed surface. No visually intrusive floodlighting or other ephemera is proposed.

For these reasons, we do not wish to raise any objection to the proposals".

KCC's Biodiversity Officer: Raises no objection subject to the imposition of conditions including a pre-commencement condition requiring a Biodiversity Method Statement to be included within a revised Construction Environmental Management Plan. A further condition is also required for a Biodiversity Enhancement Plan to be submitted within 3 months of the date of planning permission being granted.

KCC's Drainage Officer: Raises no objection subject to the imposition of conditions including a pre-commencement condition requiring a detailed sustainable surface water drainage scheme to be submitted and to demonstrate that an effective outfall for surface water is provided for the development layout. A further condition is also required for a Verification Report to be submitted prior to the occupation of the development hereby permitted.

High Weald AONB: No response has been received.

Sport England: Due to the small size of the proposed MUGA, Sport England will not be providing comments for the following reason:

"The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case."

Local Member

22. The local County Member Mr McInroy was notified of the application on 10 December 2022. The following comments have been received:

"I am very happy to support the application, of which I was aware, and to write to the Planning Applications Committee if required".

Publicity

23. This application was advertised by the placing of a press advertisement in the Kent Messenger paper on 17 November 2022. A total of 5 site notices were also posted in various locations in Spring Lane. 3 site notices were posted in front of the school buildings, and a further 2 site notices were posted in front of properties 1 to 4 Spring Lane.

Representations on the planning application

24. Letters of representation have been received both in opposition to the planning application and in support. A total of 5 representations have been received, with 4 representations in support (one support representation did also have a concern) and 1 representation objecting to the planning application, and which can be summarised as follows:

Support

- Fully support the proposed MUGA as this would ensure that the pupils would have better opportunities for sport and exercise because at the moment the field is simply too wet in the winter and too hard and dry in the summer. This affects the pupil's access to PE lessons and to enjoy the schools grounds at break and lunchtimes.
- It would improve the sports facilities of the school.
- It will give all year round access to enable children to maintain a good level of fitness which is good for the pupils educational needs and wellbeing.

Support but also raised concern

- This would be a concern if the sports field was to be hired out on a commercial basis outside of school hours. Vehicular traffic and parking are real issues in the vicinity of the school and the road down to the school is single track. Therefore, too many cars would present a health and safety risk. The School have an excellent policy of trying to enforce how parents park during school hours, but our concern would be that the users had no connection to the school, outside of school hours, and so users would have little regard for others safety.

Object

- While we have no objection to the field being replaced with a synthetic pitch, subject to proper drainage facilities, but object to the erection of the fencing and gates.
- It is completely incorrect to state that this would have no visual impact on the surrounding area or the openness of Metropolitan Green Belt, quite the opposite.
- The site is raised above the level of the back gardens of properties 1 - 4 Spring Lane and is most visible from the bedrooms of these properties.
- The school recently erected a large close board wooden fence along the boundary of the playing field and adjacent properties which would not block out the much larger metal fence.
- The fencing would also be visible from the road.
- It will be overbearing and obtrusive on such a small site and not required in order to enhance and improve facilities for the school children.
- This type of fencing would be required for secondary schools and at club level not necessary for a primary school bearing in mind the very significant costs involved.
- Careful consideration needs to be given as to how the field will not be waterlogged if a synthetic surface is simply being placed over the existing field and to ensure that run off does not then discharge into the neighbouring gardens.
- The fence is deemed necessary to play 5 aside football which the school does not currently do. The school children have a football team and an after-school football club, but it now appears that by caging the area it would potentially be able to hire the pitch on a commercial basis.
- Accepted that living next to a school means that you have a certain level of noise and disruption, it is generally consigned to the school day and not during school holidays evenings or weekends.
- It would make the school a more attractive proposition for out of school clubs and parties bringing more traffic to the lane.
- The school has never entertained a football club on a Saturday.
- If the application is granted for the synthetic pitch, it should only be used by the school for school activities and not by third parties on a commercial basis.
- It will be overbearing and obtrusive on such a small site and not required in order to enhance and improve facilities for the school children.

Discussion

25. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (20) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity.

26. This application is being reported for determination by the Planning Applications Committee due to a letter of representation received from a local resident objecting to the planning application. In this case the key determining factors, in my view, are the need and principle of development, Green Belt considerations, design and siting including the impact upon the High Weald Area of Outstanding Natural Beauty (AONB) and the Bidborough Conservation Area, amenity impact including community use, traffic and parking and drainage. In the Government's view, the development of

schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the improvement of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in paragraph 56 of the NPPF.

Need and principle of development

27. As outlined in paragraph 20 of this report, the National Planning Policy Framework (NPPF) supports the provision and retention of community facilities as a means of place making and promoting healthy and sustainable communities. Decisions should be made which guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. It should also ensure that established facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.

28. The site is located on the periphery of the settlement boundary of Bidborough village and is located in the Metropolitan Green Belt, where the principle of development is controlled. The proposed development would be confined to the area of an existing grass playing field, which the applicant has confirmed is unusable for most of the year, with the field being waterlogged during the winter months and too hard and dry to use during the summer months. The applicant has sought to remedy this problem over many years, through the installation of a better drainage system, but unfortunately this has been unsuccessful. Therefore, the applicant has now decided to propose an artificial surfacing option.

29. The School has demonstrated that due to a lack of space, it is currently unable to provide the full quality PE curriculum. The school has stated that it must limit the activities that they provide so that pupils either play football or netball on a rota basis. This means that the School cannot provide the government guidance of 'at least 30 minutes of physical activity a day' for all pupils. As stated previously, the field is unusable from October until mid to late Spring, although there are a couple of months when the ground is firm underfoot and some PE activities can take place. However, due to the condition of the ground, the School has confirmed that it must be very mindful of the playing field's surface and undulation. If the weather then becomes too dry, then the School has to introduce further measures to keep the pupils safe as the ground becomes deceptively hard and this has led multiple wrist fractures in the past 5 years.

30. Support for improved school facilities is heavily embedded in the NPPF and the Policy Statement – Planning for Schools Development, and I consider that the education need for the proposed development should be given significant weight in this instance. To ensure that the School can provide a full PE curriculum, in considering the above, I accept the need for the proposed development.

Green Belt Considerations

31. The development falls within the Metropolitan Green Belt. In determining the application, consideration needs to be assessed against green belt policy that presumes against inappropriate development, unless very special circumstances are demonstrated. The representation from a local resident has expressed concern that the development would have an visual impact on the surrounding area and upon the openness of the Green Belt.

32. Development Plan policies seek to require developments to be sustainable, well designed and respect their setting. This is particularly relevant to this development site which is identified within the Development Plan as being within the Metropolitan Green Belt. Policy STR9 of the Tunbridge Wells Borough Local Plan – submission Local Plan (submitted October 2021), and the NPPF requires that very special circumstances need to be demonstrated to outweigh harm to the Green Belt by reason of inappropriateness and any other harm.

33. The NPPF, paragraph 138 states that the Green Belt serves five purposes:
    a. to check the unrestricted sprawl of large built up areas;
    b. to prevent neighbouring towns merging into one another;
    c. to assist in safeguarding the countryside from encroachment;
    d. to preserve the setting and special character of historic towns; and
    e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

34. The NPPF further states that "as with previous Green Belt Policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances". Paragraph 149 of the NPPF states that construction of new buildings should be regarded as inappropriate within the Green Belt and goes on to list exceptions to this. Paragraph 149 b) of the NPPF lists the following as an exception.

    '*the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.*

35. As set out in paragraphs 11 to 19 of this report, this planning application is proposing to provide a 3G artificial turf MUGA with associated 3m high fencing. The area of the proposed MUGA would measure 37m x 18m with a green coloured synthetic turf surface and is proposed to be marked out with white lines primarily for mini soccer.

36. In terms of Green Belt policy, the provision of "appropriate" facilities, in connection with the existing use of land for outdoor sport' is considered to be appropriate development within the Green Belt. This is on the proviso that the sports facilities would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it (as set out in paragraph 33 above).

37. The current playing field is used for outdoor sport and recreation, albeit the playing field is unusable for most of the year due to it being waterlogged during the winter months or too dry and hard during the summer months. The proposed 3G artificial turf MUGA would enable the School to use the existing playing field all year round rather than for a short few weeks. The proposed 3G artificial turf MUGA are clearly

facilities for outdoor sport and recreation, so could be argued to fall under the definition of appropriate development within the Green Belt. However, in my view, the proposed fencing and surfacing, are urbanising features which could have an impact on the openness of the Green Belt, potentially conflicting with the purposes of including land within it. Therefore, by virtue of the criteria set out in the NPPF, I consider this element of the proposed development to be inappropriate in Green Belt terms.

38. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to demonstrate why permission should be granted with regard to planning policies and other material considerations. Such development should not be approved, except in very special circumstances. It is, therefore, necessary to consider the impact of the development against Green Belt Policy, to consider the impact on the openness of the Green Belt and whether or not there are very special circumstances that would warrant setting aside the general presumption against inappropriate development.

39. A Planning Statement including Design and Access considerations was submitted in support of this planning application. This sets out what the applicant considers to be the very special circumstances that warrant setting aside the general presumption against what would be inappropriate development in the Green Belt. It is considered the following 'very special circumstances' are sufficient to collectively outweigh a Green Belt policy objection:

    i) The educational need for the development;
    ii) The provision of improved facilities; and
    iv) The quality of the design and level of mitigation proposed would ensure that the impact on the openness of the Green Belt would be limited.

<u>The educational need for the development</u>

40. As outlined in paragraph 20 of this report, great emphasis is placed within planning policy generally and specifically in paragraph 95 of the NPPF, on the need to create, expand or alter schools. The NPPF states that Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. The Policy Statement – Planning for Schools Development (15 August 2011) also sets out the Government's commitment to support the development and expansion of state funded schools to adapt and improve their facilities. There is a presumption in favour of the development of state funded schools and their facilities expressed in both the NPPF and the Policy Statement – Planning for Schools Development.

41. The applicant considers that the educational need for adequate sports facilities to serve the primary school, as the existing playing field is unusable for most of the year coupled with the fact the sports field would continue to be a used for sport, and its appearance would be similar to the existing grass, should be attributed significant weight in assessing the proposal. The proposal would provide a fit for purpose 3G artificial turf MUGA, representing the opportunity to significantly improve the quality and variety of sport and recreation available to the school. The applicant states that the existing playing field suffers from severe water logging during the winter season and is also unusable during the summer months due to the surface being too hard and dry, which makes it unusable for any kind of sport or recreation activities. It would give the school an additional much needed surfaced play area for the pupils to

use during break times throughout the whole year and is development that supports and enables healthy lifestyles, as encouraged by the NPPF and Planning Policy. This would be a significant improvement over the current situation.

42. Based on the above, in my view, it is evident that the school would benefit from the provision of increased all weather sports facilities. Support for the development and improvement of facilities at state funded schools is heavily embedded in the NPPF, the Planning for School Development Policy Statement, and local Planning Policy, as is the need to plan positively for community facilities and sports provision, and I consider that the need for the development should be given significant weight in this instance.

Provision of improved facilities

43. As detailed above, this application would enable the applicant to provide additional sports facilities on the site, which would meet the needs of the school and is development that supports and enables healthy lifestyles, as encouraged by the NPPF and Planning Policy. The application would also provide sports facilities of an improved quality.

44. The applicant states for the reasons set out above, that the condition of the existing playing field is unsuitable for any kind of sport activities and the field is unusable for most of the year. The proposed 3G artificial turf MUGA would remedy this issue by providing an all-weather surface that can be used throughout the year.

45. Having considered the above, I am of the view that the proposal would offer improved sporting facilities not only of a higher standard but also a greater variety, supporting the curricula needs of the school. Such provision is supported by the NPPF which seeks the provision of sports facilities to achieve healthy, inclusive and sustainable school communities.

Impact on the Openness of the Green Belt

46. As set out above, the proposed 3G artificial turf MUGA is a facility for outdoor sport and recreation, so could be argued to fall under the definition of appropriate development within the Green Belt. However, in my view, the proposed fencing, and surfacing, are urbanising features which could have an impact on the openness of the Green Belt, potentially conflicting with the purposes of including land within it. The layout and detailed design of the proposals are therefore key in mitigating the impact of the development on the openness of the Green Belt.

47. The applicant advises that the site layout has been carefully designed to mitigate the impact from the proposal on the openness of the Green Belt. First, the proposal does not require any alterations to the wider site's existing extensive boundary landscaping. This would help maximise the screening afforded to the site. The fence is deemed necessary by the applicant and is proposed to be dark green in colour to help mitigate its visual impact and blend into the site, which is surrounded by mature trees on three sides and by the school to the remaining end. Therefore I consider that the facility would be well screened by existing boundary planting and have minimal visual impact on the surrounding area.

48. It is also of note that the proposed development, whilst having urbanising features such a fencing and surfacing, is an outdoor sports facility and would not be

introducing any further buildings onto the site. The MUGA would also be sited on the existing school playing field, which is an established educational site, and would not impact upon the boundary planting and screening which demark and screen the site from the surrounding area.

49. In considering the above, I am satisfied that the proposed development would have a limited impact on the openness of the Green Belt. Whilst there is inevitably some impact on the Green Belt, I am satisfied that the 3G artificial turf MUGA would be contained within the immediate context of the existing development on site, and that the effect on the openness of the Green Belt would be limited. In my view, the proposed layout represents the option which strikes the best balance between minimising intrusion into the Green Belt and providing sufficient sporting facility to enable the school to deliver the curriculum and operate successfully.

Summary – Very Special Circumstances/Green Belt Considerations

50. It should be borne in mind that open sports facilities are a defined appropriate use within the Green Belt It could be argued, therefore, that the development as proposed is appropriate for the purpose of Green Belt policy. However, in considering the provision of fencing and surfacing associated with the 3G artificial turf MUGA, I am of the opinion that those elements of the proposal represent inappropriate development within the Green Belt and have assessed the development as such.

51. Overall, I accept the applicant's assessment and application of Green Belt Policy as set out in the submitted documentation, and I have considered this in the context of the Development Plan Policy and the NPPF. The development is inappropriate development for the purposes of Green Belt consideration and is, therefore, by definition harmful. Nevertheless, in my view, the considerations summarised above are sufficient collectively to constitute 'very special circumstances' capable of outweighing harm, in this particular case. Furthermore, I accept that the siting of the proposals has been carefully considered to help mitigate the impact of the development on the functioning and openness of the Green Belt. Accordingly, I do not consider that an objection on Green Belt grounds would be warranted in this particular case.

52. Further, in assessing the need to refer the application to the Secretary of State for consideration on Green Belt grounds and having regard to the Town and Country Planning (Consultation) (England) Direction 2021, I do not consider that this application needs to be referred. The Direction requires inappropriate development to be referred where it consists of the provision of buildings where the floor space to be created is 1000 square metres or more, or any other development which, by reason of its scale or nature or location would have a significant impact on the openness of the Green Belt. Due to the limited impact that the development would have on the openness of the Green Belt as a result of its size and scale, its location on the existing playing field and that it would be surrounded by mature trees, I consider that there is no requirement to refer the application in this particular case.

Impact upon the adjacent Area of Outstanding Natural beauty (AONB) and local Heritage Assets including the adjacent Conservation Area

53. The proposed development site is adjacent to the High Weald Area of Outstanding Natural Beauty (AONB) and the Bidborough Conservation Area, both of which are

located to the southern and western boundaries of the school site. Additionally, there are several Listed Buildings in the vicinity. The proposed 3G artificial turf MUGA would not physically abut the boundary of the AONB or the Conservation Area and to both the southern and western boundaries there is existing boundary and tree planting which would screen any direct views of the proposed 3m high fencing from the AONB and Conservation Area.

54. The County Council's Conservation Officer has raised no objection to this planning application and noted that the proposed MUGA would be located on an existing sports field to the south of the school which is outside the eastern boundary of the Conservation Area and is well screened with mature trees on the west, south and south-east sides. It was further noted that due to the geography of the site, the construction of a MUGA in this location would have no impact on the setting of the Conservation Area or the listed buildings in the vicinity.

55. Furthermore, it was noted that any harmful impacts on the AONB would be negligible in the Council's Conservation Officers view, as the proposed formalisation of this enclosed area, which is already in use as a sports field and sits adjacent to an existing sports court, does not constitute a major change from the existing use. The visual impact of the dark green mesh fence is low, as is the synthetic turf finish which would be little different in appearance to the existing grassed surface. It was also noted that no visually intrusive floodlighting is proposed.

56. The High Weald AONB Unit was consulted on this planning application but has not provided any comments. Therefore, taking into consideration the location of the proposed development, surrounding landscaping and local environs, and taking into account the comments received from the statutory consultees, I am satisfied that the proposed development would not have a significant impact on the character and appearance of the adjacent Conservation Area or the setting of the AONB, and is in accordance with the underlying principles of the NPPF and Development Plan Policies.

Design and Siting

57. Objection has been received from a local resident regarding the proposed height of the 3m high fence and lockable gates. It is questioned why they are seen to be necessary to play 5 aside football, when the school does not currently do so. Concern has been raised that the 3m high fencing would be visible from the neighbouring bedroom windows of the properties that back onto the school site as the school site is raised above the level of these back gardens. Further concern has been raised that the proposed 3m high fencing would also be visible from Spring Lane.

58. The proposed location of the MUGA is the existing grass playing field which is currently unusable for the majority of the year due to the poor drainage. The applicant has stated that there is little room for manoeuvre in terms of the location or the design of the playing surface itself. Additionally this location would not require the removal of any of the mature trees which surround this location. As the site of the proposed MUGA is located on the area of the existing grass playing field and there are no other suitable or available locations within the school site to locate this facility, then I am satisfied that this location for the MUGA is acceptable in principle.

59. The applicant has confirmed that the fence is necessary for a number of reasons. The provision of a 3m high fence is standard practice around a synthetic pitch such as the one that is being proposed and is specified for ball retention within the area, and to discourage unauthorised use of the facility, which could otherwise be a problem for both the school and its neighbours. The provision of the fencing has been designed in accordance with Sport England Design Guidance for Artificial Surfaces for Outdoor Sport, which refers to the Sport and Play Construction Association (SAPCA) Code of Practice for the Construction and Maintenance of Fencing Systems for Sports Facilities (COP).

60. A 3m high fence is considered to be the minimum necessary and normal standard for this type of facility. The requirement to have a fence around a 3G surfaced pitch is also to ensure that children would not access the synthetic surface directly from a surrounding grass area. That could result in contamination of the surface and consequential drainage and maintenance issues. On that basis, access to the 3G surfaced pitch must, therefore, be controlled. To ensure that there is no other cross contamination, a short section of footpath is proposed from the existing playground to the MUGA so that the pupils would not have to walk on the grass between the two playgrounds.

61. The MUGA would also be vital to enable other aspects of the PE curriculum to be taught, including tennis for example. Children at this age, particularly in Years 5 and 6, have increasing strength but not yet the skills to consistently control the balls. The School has confirmed that if the fencing was not sufficiently high enough, balls would frequently go over the fence and due to the location of the surrounding area, this would mean significant cost increase in maintaining and cleaning the new surface, as it would lead to mud and grass seeds being trampled back onto the MUGA surface after collecting the stray balls.

62. Visually, the majority of the playing field site is surrounded by mature trees which helps to integrate the development into the landscape. There would be limited visibility of the fencing from Spring Lane and from the upper storey of the residential properties adjoining the site. Along Spring Lane, there is an established evergreen hedge along the schools' boundary which affords good screening of the school site. There is a gate leading off Spring Lane to the existing fenced playground and this would be the location where the 3m high proposed fence might be viewed across this existing fenced playground. However I consider that as the site is surrounded by mature trees and limited views across the school site from Spring Lane, then the proposed 3m high fence should not cause overriding visual impacts to the surrounding area or be intrusive to the surrounding landscape. It should also be recognised that being able to see the fence is insufficient ground on which to refuse the planning application.

63. The fence has been deemed necessary to play 5-a-side football. It is proposed to be dark green in colour and the majority of the school playing field site is surrounded by mature trees so any fencing would be viewed with the trees in the background. The facility would mainly be visible from the school itself with a potential view from upper stories of the adjacent residential properties. I consider that the 3m high fence would not cause any loss of light, overlook nor overshadow. It's limited visual impact when balanced against other planning considerations is considered acceptable.

64. It should also be noted that the area of this planning application is already an existing sport playing field and it would continue to be a sport playing field. Therefore, the use

of the site is already established. I accept that in terms of location there is little room to manoeuvre in the proposed design and location and that the proposed MUGA has been positioned to facilitate easy access to it, whilst eliminating the need for any mature tree removal and this avoiding damage or impediment to the existing trees to the west and south of the proposed development.

65. In light of the above, I consider the overall design and siting of the proposed MUGA to be suitable on this school site. I consider that the proposed development has considered and satisfies the requirements of the Local Plan Policies EN1, EN5, STR5 and Core Policy 5. I would not therefore raise a planning objection on this matter.

Amenity Impacts – Community Use, Traffic and Parking

66. Concern has been raised regarding the possible of use of the proposed MUGA by hiring it to community groups as a means of generating extra income for the school and the subsequent possibility of extra traffic and parking in Spring Lane.

67. The School has confirmed that there are no plans to hire the MUGA to external community groups and that the MUGA would be required for school use only and by its breakfast and after-school provider, Bidbor'Out. There are no plans for it to be used to generate an income stream. Therefore, the proposed hours of use of the MUGA have been confirmed to be Monday to Friday between 0800 and 1800 hrs. Outside of the school day, it is proposed that the MUGA would be available for use by Bidbor'Out. On a Saturday the proposed hours would be between 0800 and 1600 hrs and this would be used by the school, and directly for school organised use, such as use by parents for special events such as birthday parties of the children at the school. Currently Sunday use of the school site between the hours of 0800 and 1600 hrs is limited to the church's children's groups and (occasionally) a birthday party for a child in the school as detailed above.

68. In the school holidays (Easter and Summer) the School currently offers activity days (not every day), run by a member of the School staff, which make use of the playing field and playground (alongside other facilities in the school). The School anticipates continuing to do this, but not increasing it, using the MUGA in place of the field or playground. This is open only to pupils of the school. Hours of use would be between 0800 to 1800 hrs as at present. This would be primarily to serve Bidborough School children and families. The School would not wish to stop doing this and so would not wish to restrict the usage hours in the school holidays for the MUGA (beyond 0800 to 1800 hrs) as the rest of the site (including playgrounds and other outside areas) has no restrictions.

69. It had been noted in the representation that the school does not currently use the playing field. This has been due to the current poor condition of the grass playing field, the School has not been able to use this playing field, resulting in outdoor activities undertaken on the existing small playground. If the proposed MUGA was to be granted planning permission, then the school would be able to use the MUGA rather than the smaller existing playground. The level of use of the proposed MUGA would remain similar to the current use of the existing smaller playground.

70. The School have confirmed that there would be no community use whereby the MUGA would be hired to external parties for profit and that the local resident has incorrectly linked the installation of fencing with the possible hiring of the pitch commercially. The School has confirmed that they are willing to accept a planning

condition, if planning permission was granted, which states that there is no community use of the MUGA through the hiring to external parties. To ensure that the MUGA was purely used by the school for their purposes and not for commercial purposes, a planning condition is proposed.

71. Concern was also raised that there could be an increase in traffic and parking beyond normal school hours and days as a result of this proposed development. It should be noted that as it is not intended to hire out the MUGA to any external community groups, then there should be no change in traffic or parking issues around the existing school site, other than what is currently experienced. Kent Highways were consulted on this planning application and did not raise an objection to this proposal.

72. It should be noted that the playing field already exists at the school and that the proposal is to change the surface to an all-weather pitch, which would give the School all year access for recreation and curriculum-based learning. Whilst the current grass surface restricts the usage of the playing field, the proposed MUGA would allow the School to use the playing field as intended. Therefore, given that this area of the school site is already used for sports and recreation, I am satisfied that the development as proposed would not have an adverse impact on the privacy of local residents from overlooking.

73. Whilst the MUGA would provide more opportunity for use during the school day compared to the current grass playing field, I do not consider that an objection to school use on noise grounds would be justified bearing in mind the long-established educational use of the site. Neither do I consider that it would be justified in respect of the School's own use of the facilities outside of normal school hours, which already takes place on the playing field.

74. With regard to visual impact, concern was expressed regarding the impact of the fencing, and impeding views from the first floor windows. In considering the proposal, it is recognised that private views are not afforded planning protection and that the loss of a view is not a material consideration in the determination of a planning application. It is also important to note that the development is surrounded by tall trees and other vegetation, and so the proposed fencing should blend into the background, when viewed from any first floor windows.

75. Therefore, through the imposition of a planning condition restricting use of the facilities to those set out in the application, I consider that the proposed works would not result in unacceptable levels of usage, and that there should be no changes in the existing traffic levels in and around Spring Lane as well as no additional parking requirements. I also do not consider it would result in significant detriment to the local residents visual amenity and would therefore accord with the aims of the Local Plan and the NPPF in these respects. I therefore would not raise a planning objection on this matter.

Construction

76. Given that there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect residential amenity. I recommend that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under

the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day. I consider it appropriate to impose a condition requiring that no deliveries are allowed to the construction site before 0900 hrs and between 1415 and 1530 hrs during school term time.

77. Due to the vehicular access to the site being very constrained via Spring Lane, Kent Highways required at the planning application stage that careful consideration be given to access arrangements for delivery vehicles. Therefore the applicant was requested to submit a detailed Construction Environmental Management Team in liaison with Kent County Council's Streetworks Team, which needed to included, amongst other matters, the size of the vehicles delivering to the site and the proposed routing of these vehicles, the location of the site compound and operative/visitors parking, details of site security and safety measures, wheel washing facilities, dust suppression measures, and noise mitigation. The Highway Authority are satisfied with the submitted details and do not require the submission of any additional information regarding construction activities.

78. The Streetworks Team has also advised that should there be any traffic management associated with these works, then permits would be required. Therefore, it has been requested that an Informative be added, if planning permission is granted, so that if there are any streetworks queries these need to be raised directly via the streetworks email address. A further Informative has also been included which requested that the letter drop that is proposed as part of the Construction Environmental Management Plan and informing residents of the proposed works, should also include the church.

79. Notwithstanding the above, the County Ecologist requires a Biodiversity Method Statement be included within a revised Construction Environmental Management Plan, and that this be submitted and approved by the planning authority. Therefore, should permission be granted, I consider it appropriate to impose a pre-commencement condition requiring an updated Construction Environmental Management Plan to include a Biodiversity Method Statement to be submitted for approval. Subject to the imposition of the conditions outlined above, I am satisfied that construction activities would be not have a significantly adverse impact upon the amenity of the locality, ecological interests, or the local highway network. I would not therefore raise a planning objection on this matter.

Drainage

80. The applicant has confirmed that the site is within flood risk Zone 1, which is an area with a low probability of flooding. As the proposed surfacing is fully permeable, then there should be no dispersal of surface water to other areas. The entire structure, consisting of playing surface, base and stone sub-base would be fully permeable. During heavy rainfall, the stone base acts as a water storage medium with a slow release rate. The drainage characteristics would therefore be similar to the existing natural turf. The drainage design is compatible with SUDS requirements. Additionally, all construction materials would be inert to prevent pollution of surface water.

81. Due to the previous issues with the drainage at this location, Kent County Council's Drainage Engineer has been consulted on this planning application. It was noted that any surface water would drain to the southern end of the MUGA before infiltrating via a soakaway located there. Although no objection has been raised to this proposal by

the Drainage Engineer, there would be a requirement for infiltration testing to be undertaken in accordance with BRE365 to confirm infiltration rates are suitable. These tests should be at the location and depth of the proposed feature and should be provided as part of the detailed design, secured via the imposition of a pre-commencement condition to require the submission of a detailed sustainable surface water drainage scheme prior to the commencement of the development. A further condition would require the submission of a verification report prior to first use of the MUGA. Subject to the imposition of these conditions, I would not raise a planning objection on this matter.

Conclusion

82. This application proposes the construction of a 3G synthetic turf multi-use games area (MUGA) and the installation of 3m high dark green twinbar rebound fencing, lockable gates and access path. The proposal has given rise to a variety of issues, including the need to demonstrate 'very special circumstances' to justify inappropriate development in the Green Belt, the impact of the proposed development on the openness of the Green Belt, as well as local residential amenity. I consider that 'very special circumstances' have been demonstrated in this particular case for overriding Green Belt policy considerations. I also consider that the development has been designed and sited to minimise the impact of the development on this part of the Green Belt, and its functioning. In addition, subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the amenity of local residents, the Bidborough Conservation Area, nor the High Weald AONB and would accord with the principles of sustainable development as set out in Development Plan Policies and the NPPF. In addition, support for the improvement of school facilities is heavily embedded within the NPPF, the Planning for Schools Development Policy Statement, and local planning policy, which should be afforded significant weight in balancing planning considerations.

83. Therefore, subject to the imposition of conditions, I am of the opinion that the proposed development is in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF and is sustainable development. I therefore conclude that the development is sustainable and recommend that permission to be granted, subject to appropriate planning conditions and Informatives.

Recommendation

84. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions and Informative, including conditions covering:

    1. The standard 3-year time limit;
    2. The development carried out in accordance with the permitted details;
    3. The development to be carried out using external materials and colour finishes, as specified within the planning application documents, unless otherwise agreed;
    4. Hours of working during construction to be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
    5. No deliveries to be allowed to the construction site before 0900hrs or between 1415-1530 hrs during school term time;

6. Prior to the commencement of the development a detailed sustainable surface water drainage scheme shall be submitted and approved, and thereafter implemented as approved;
7. The submission of a Verification Report pertaining to the surface water drainage scheme to be submitted and approved prior to first use of the development, and thereafter implemented as approved;
8. The hours of use of the MUGA shall be between 0800 and 1800 hrs Monday to Friday; Saturday and Sunday between the hours of 0800 and 1600 hrs. No use allowed on Bank Holidays;
9. The users of the MUGA shall be limited to those set out in the application. The facility shall not be let to or used by other users or hired to external commercial interests, unless otherwise agreed in writing by the County Planning Authority (please see Informative below);
10. Prior to the commencement of the development, a revised Construction Environmental Management Plan, to include a Biodiversity Method Statement, shall be submitted and approved, and construction of the development shall thereafter be undertaken in accordance with the approved plan;
11. A Biodiversity Enhancement Plan to be submitted within 3 months of date of planning permission being granted;
12. The development shall be carried out in accordance with the recommendations in the Arboricultural Assessment;
13. No floodlighting or external lighting to be provided on this site.

Informatives

1. An Informative is recommended regarding any necessary highway approvals.
2. The applicant is reminded that permits will be required for any traffic management arrangements and to contact streetworkswest@kent.gov.uk to arrange these (please be aware that there would be a lead in time).
3. The letter drop that is proposed as part of the Construction Environmental Management Plan and informing residents of the proposed works, should also include the church.
4. For the avoidance of doubt, the users of the development are limited to the School, parents, the Church and Bidbor'Out (the School's breakfast and after-school club).

Case officer – Lidia Cook	Tel No.03000 413353

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.

FH/22/1310	Erection of 3 no. replacement buildings to be used to relocate waste management facilities for the packaging and temporary storage of radioactive waste, together with enabling works. Dungeness A Power Station, Dungeness Road, Romney Marsh, Kent TN29 9PP Decision: Permitted
SE/22/2322	Section 73 application to vary conditions 3 (to allow an additional 7 months to complete the approved restoration of the landfill (i.e., by 30 April 2023)) and 10(h) (to update to the timing of works required by the approved Ecological Mitigation Scheme Prescriptions to reflect the amended operational period) of planning permission SE/19/1754. Greatness Quarry, Bat and Ball Road, Sevenoaks, Kent TN14 5BP Decision: Permitted
SW/22/505751	Section 73 Application to vary conditions contained in permission SW/22/500475 to extend the consent life to 31st October 2023 allowing site restoration. Land to the South of the A2 (Hempstead House) and East of Panteny Lane, Bapchild, Sittingbourne, Kent Decision: Permitted
TM/82/1138 /R(ii)AB&	Proposed reprofiling of Stangate West Landfill Site and updated aftercare scheme pursuant to Condition (ii) of Annex B to planning permission TM/82/1138 and Conditions 2, 3 & 18 of planning permission TM/94/579. Stangate West Landfill Site, Quarry Hill Road, Borough Green, Sevenoaks, Kent TN15 8RA Decision: Approved

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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.

DO/19/1120/R16 Details of a Verification Report pertaining to the surface water drainage pursuant to Condition 16 of planning permission DO/19/1120 (partial discharge of condition only).
Dover Grammar School For Boys, Astor Avenue, Dover, Kent CT17 0DQ
Decision: Approved

DO/22/1591 Demolition of 1960's teaching block and ROSLA building; refurbishment of the retained school buildings and erection of two storey extension (split into Phases 2 & 3) with associated parking; access and hard and soft landscaping.
The Beacon Satellite, Salisbury Road, Walmer, Deal, CT14 7QJ
Decision: Permitted

FH/23/0024 Amendments to existing vehicle and pedestrian entrance arrangements to include removal of a section of close boarded fencing, relocation of pedestrian access point, widening of existing vehicle access, re-alignment of the kerb and footpath, and the installation of a pedestrian barrier.
Harcourt Primary School, Biggins Wood Road, Folkestone, Kent, CT19 4NE
Decision: Permitted

GR/22/0110/R5 Details of the roof mounted photovoltaic panels and any roof plant pursuant to Condition 5 of planning permission GR/22/0110.
Meopham School, Wrotham Road, Meopham, Gravesend, Kent DA13 0AH
Decision: Approved

GR/22/0110/R6 Details of a scheme of landscaping and tree planting pursuant to Condition 6 of planning permission GR/22/0110.
Meopham School, Wrotham Road, Meopham, Gravesend, Kent DA13 0AH
Decision: Approved

GR/22/0110/R13 Details of Great Crested Newt District Level Licensing pursuant to condition (13) of planning permission GR/22/0110.
Meopham School, Wrotham Road, Meopham, Gravesend, Kent DA13 0AH
Decision: Approved

GR/22/0110/R16	Details of Sustainable Drainage pursuant to condition 16 of planning permission GR/22/0110. Meopham School, Wrotham Road, Meopham, Gravesend, Kent DA13 0AH Decision: Approved
GR/22/0110/R21	Details of a Construction Management Plan pursuant to Condition 21 of planning permission GR/22/0110. Meopham School, Wrotham Road, Meopham, Gravesend, Kent DA13 0AH Decision: Approved
GR/22/1281	Request for an extension of a further 2 years of temporary planning consent permitted under planning reference GR/19/1121 for the 2no. existing double mobile classroom units. Meopham School, Wrotham Road, Meopham, Gravesend, Kent DA13 0AH Decision: Permitted
GR/23/0006	Section 73 application to amend Conditions 15 & 16 of planning permission GR/21/0823 (vehicle and pedestrian access improvements) to enable the newly built approved school building to become operational for this academic year, with a commitment from the Applicant to complete the improved access works by September 2023. Gravesend Grammar School For Boys, Church Walk, Gravesend, Kent, DA12 2PR Decision: Permitted
MA/22/505165/R4& R5	Details of how the development will offset biodiversity loss/enhance biodiversity (Condition 4) and details of a Biodiversity Method Statement detailing precautionary mitigation methods (Condition 5) of planning permission MA/22/505165. Senacre Wood Primary School, Maidstone, Kent, ME15 8QQ Decision: Approved
SE/21/891/R9 & R10	Details of Mitigation & Enhancement Strategy to include details of the reptile receptor site, details of how the remaining grassland within the eastern field would be enhanced, details of ecological enhancement features within the wider site (Condition 9) & details of a Woodland Management Plan setting out how the woodland site would be managed to benefit biodiversity (Condition 10) pursuant to Planning Permission SE/21/891. Sevenoaks Grammar Annexe/Trinity School site, Seal Hollow Road, Sevenoaks, Kent TN13 3SN Decision: Approved
SE/21/891/R13	Details regarding the certification of the quality of the facilities (FIFA Quality or equivalent International Artificial Turf Standard (IMS) and World Rugby Regulation 22 standard) and confirmation that the facilities have been registered on the Football Association's Register of Football Turf Pitches pursuant to condition 13 of planning permission SE/21/891. Sevenoaks Grammar Annexe/Trinity School site, Seal Hollow Road, Sevenoaks, Kent TN13 3SN Decision: Approved

E2.1

SE/21/891/R16	Details of a Community Use Agreement pursuant to Condition 16 of planning permission SE/21/891. Sevenoaks Grammar Annexe/Trinity School site, Seal Hollow Road, Sevenoaks, Kent TN13 3SN Decision: Approved
SE/22/3517	Section 73 application to amend the wording of condition 4 of planning permission SE/19/3123 to exclude all works relating to the construction of the new parking bays. The full provisions of Condition 4 will continue to apply to all of the other proposed development under the consent. Riverhead Infants School, Worships Hill, Riverhead, Sevenoaks, Kent, TN13 2AS Decision: Permitted
TH/23/0116	Proposed installation of a new sensory garden area and associated landscaping, installation of a perimeter pathway around the existing sports pitch, replacement 2.4m high fencing, the addition of 4No. new storage containers with canopy. Foreland Fields School, Newlands Lane, Ramsgate, Kent CT12 6RH Decision: Permitted
TM/21/2632/R	Non-material amendment to planning permission TM/21/2632 to make minor changes to the perimeter fence. Land at Quarryman's Road, Kings Hill, West Malling, Kent ME19 4PN Decision: Approved
TM/22/1541/R	Non-material amendment to planning permission TM/22/1541 for the addition of x2 goal recesses to the Multi-Use Games Area. Woodlands Primary School, Hunt Road, Tonbridge, Kent, TN10 4BB Decision: Approved
TM/23/0187	Section 73 Application to vary Condition 13 of planning permission TM/21/2632 relating to surface water drainage. Land at Quarryman's Road, Kings Hill, West Malling, Kent ME19 4PN Decision: Permitted
TW/22/3456	A. Retrospective application for marquee measuring 6 x 3m B. Installation of a garden cabin measuring 6.6 x 4.8m Both items sited/to be sited on redundant hardstanding adjacent to sandstone boundary wall and shrub bed of Listed schoolhouse. Speldhurst Primary School, Langton Road, Speldhurst, Tunbridge Wells, Kent, TN3 0NP Decision: Permitted

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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/DO/0183/2022 - Demolition of 1960's teaching block and ROSLA building; refurbishment of the retained school buildings and erection of two storey extension (split into Phases 2 & 3) with associated parking; access and hard and soft landscaping.
The Beacon Satellite, Salisbury Road, Walmer, Deal, Kent CT14 7QJ

KCC/SCR/CA/0190/2022 - Request for a Screening Opinion and a Request under Regulation 77 of the Conservation of Habitats & Species Regulations 2017 to determine if the proposed replacement of the Swalecliffe Short Sea Outfall requires an Environmental Impact Assessment and benefits from permitted development under Schedule 2, Part 13, Class B(a) of the Town & Country Planning (General Permitted Development) (England) Order 2015.
Swalecliffe Short Sea Outfall, Swalecliffe, Kent CT5 2QH

Note: In addition to this EIA screening opinion, a Habitats Regulations Assessment Screening Opinion was also issued under Regulation 77 of the Conservation of Habitats & Species Regulations 2017. This concluded that no likely significant effects to a European designated site would occur and that the project could be screened out at Stage 1 of the Habitat Regulations Assessment (HRA) process meaning that appropriate assessment was not required in this instance.

(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

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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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F. PLANNING CONSULTATIONS FOR MEMBERS' INFORMATION

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 Planning Application Ref: 20221064 - Land Surrounding Ebbsfleet United Football Club, bounded By Lower Road, Railway Line, Grove Road and The River Thames, Northfleet, Gravesend

County Council's response to Gravesham Borough Council on the above.

F2 Pembury Neighbourhood Plan - Regulation 16 Consultation

County Council's response to Tunbridge Wells Borough Council on the above.
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F3 Faversham Neighbourhood Plan – Regulation 14 Consultation.

County Council's response to Faversham Town Council on the above.

F4 Swanley Neighbourhood Plan – Regulation 14 Consultation

County Council's response to Swanley Town Council on the above.

F5 Planning Application Ref: 22/503654/EIOUT – Land to the west of Bobbing, Sittingbourne.

County Council's response to Swale Borough Council on the above.

F6 Planning Application Ref: 21/503906/EIOUT – Land to the west of Teynham, London Road, Teynham.

County Council's response to Swale Borough Council on the above.

F7 Planning Application Ref: 21/503914/EIOUT – Land to the south & east of Sittingbourne.

County Council's response to Swale Borough Council on the above.

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Growth, Environment & Transport

Sessions House
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 411683
Ask for: Simon Jones
Email: Simon.Jones@kent.gov.uk

Katherine Parkin
Planning and Regeneration Services
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
DA12 1AU

BY EMAIL ONLY

10th February 2023

Dear Katherine,

Re: Outline Planning Application for a proposed development at Land Surrounding Ebbsfleet United Football Club, bounded By Lower Road, Railway Line, Grove Road and The River Thames, Northfleet, Gravesend (Ref: 20221064)

Thank you for consulting Kent County Council (KCC) on the outline planning application for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport / recreation / fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.

In summary, and in considering the application as it currently stands, the County Council, as Minerals and Waste Planning Authority, raises an **objection** on the following grounds:

Minerals and Waste: The application is contrary to national and local development plan policies on safeguarding, and would undermine the adopted Mineral Strategy in the Kent Minerals and Waste Local Plan (KMWLP), which relies heavily upon wharves and importation facilities, as land-won resources are depleted.

The County Council, as Local Highway Authority, raises a **holding objection** on the following grounds:

Highways and Transportation: The planning application fails to provide sufficient detail regarding the Framework Car Park Management Plan, the Framework Travel Plan and the walking and cycling audit. A number of key plans and strategies have not been provided, including a Transport Strategy, Construction Route Plan, a Stage 1 Road Safety Audit and Designers Response, and plans regarding site access and sustainable transport upgrades. Modelling and traffic count data is required, and further consideration is needed for trip generation and mode share.

Public Rights of Way (PRoW): The application does not sufficiently address the significant impacts of the proposed development on Public Footpath NU1 and the National Trail including the adverse effect on user amenity and visual impacts. The proposed alternative PRoW routes that have been provided are not acceptable to the County Council.

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

Highways and Transportation

The County Council, as Local Highway Authority, considers that the site is in a sustainable location, with short walking and cycling distances to local bus stops and both local and international railway stations. The proposals include a dedicated Fastrack route through the site and walking, cycling and car club facilities, all of which will further assist in achieving a mode shift away from the private car. However, the information provided is lacking in detail and in order for KCC to provide a robust assessment of the proposals, further information is required as set out within this response.

A number of plans / strategies that are required to be submitted with the application prior to determination have not yet been provided. These include:

- A Transport Strategy to demonstrate how the transport elements will be delivered over time.
- Detailed site access plans for all access points incorporating appropriate geometry, walking and cycling facilities, Fastrack segregation, visibility splays and tracking, to confirm these can be delivered. The plans should also incorporate the full diversion of the A226.
- Modelling results using the Kent Transport Model.
- A plan showing the areas intended for stopping up.
- A Stage 1 Road Safety Audit and Designers Response.
- Traffic count results.
- Plans showing proposed upgrades to local walking and cycling routes.
- Construction Route Plan.

Further discussion is required with regard to trip generation, mode share, distribution and committed developments, before the application is determined.

The County Council welcomes the walking and cycling audit; however, this should be expanded to include routes to additional facilities such as local bus stops, schools and the town centre for it to be acceptable.

The dedicated Fastrack route through the site is welcomed - and will be key to achieving mode shift away from the private car. The route through the site should be shown on a plan submitted as part of this planning application, along with proposed geometry, so this can be secured to any permission granted.

KCC advises that the Framework Car Park Management Plan and Framework Travel Plan need further detail. The Framework Travel Plan needs to include monitoring and review procedures and development of the Transport Review Group, for it to be acceptable.

The County Council, as Local Highway Authority, has provided detailed commentary on the application in Appendix 1 and would like to place a holding objection on the application until the above issues have been resolved.

Public Rights of Way (PRoW)

The County Council would draw attention to the existence of Public Footpath NU1 and the National Trail - the England Coast Path - which are directly affected by the development site. The Footpath (NU1) is identified on the attached extract of the Network Map of Kent (Appendix 2), which is a working copy of the Definitive Map. The existence of the right of way is a material consideration and the Definitive Map and Environmental Statement provide conclusive evidence at law of the existence and alignment of PRoW. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it. The National Trail is a leisure opportunity of considerable importance to both Gravesham and Kent, the use of which is expected to grow in the future and is heavily promoted on a national level.

The County Council is keen to ensure that its interests are represented within the local policy frameworks of the districts in Kent. KCC is committed to working in partnership with Gravesham Borough Council to achieve the aims contained within the Rights of Way Improvement Plan (ROWIP) which relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

The impact on both the Public Footpath and the England Coast Path will be significant and KCC does not consider that the application addresses this sufficiently. The alternative routes are not acceptable as currently proposed. It should be noted that PRoW issues cannot be determined at a later Reserved Matters stage. The County Council therefore places a holding objection on this application, as a result of the adverse effect on user amenity and visual impact, to ensure these issues are fully addressed and resolved ahead of determination of this application.

Impact on Public Footpath and England Coast Path National Trail

Overall, the County Council considers that the references to the PRoW network and the England Coast Path in the application are minimal:

- The routes do not appear on the majority of plans consistently, particularly the Illustrative Masterplan. Where the routes are shown (Transport Assessment Figure 4.4) they are not clear, and there is no correct labelling.
- Neither PRoW nor the England Coast Path are mentioned in the Planning Statement document, particularly paragraph 5.205 Walking, Cycling and Public Transport.
- The routes in Figure 1 Walking and Cycling of the Walking and Cycling Assessment do not show PRoW. This is available in larger print on request.
- The re-alignment of the A226 would appear to significantly impact the England Coast Path and the proposed diversion route would be unacceptable as it would appear adjacent to the new stadium - it is unclear and there is lack of detail. The Natural England report for the section of the England Coast Path refers to *'the proposed re-development of the area, where there may be an opportunity to align the trail closer to the coast'*. All options should be fully explored with the County Council and Natural England, and a Variation Report will be necessary for the diversion of the National Trail, before the application is determined. Any diversion of the PRoW route will require County Council approval as the Local Highway Authority, and both these issues require engagement at this stage to resolve, and not later in the planning process.

General Comments

The County Council requires the following:

- A PRoW Scheme of Management to be secured through a condition, detailing the PRoW affected, including the England Coast Path, to cover the diversion procedure to enable a timely and legal delivery of any development; construction management (routes must remain open and safe for public use) and width, surface and signage on completion. Any phasing must ensure the delivery of infrastructure to support the development. This scheme of management to be approved by the County Council prior to the commencement of any works.
- Any Travel Plan submitted as part of the application must include the PRoW network and opportunities provided for both active travel and leisure, health and wellbeing.

Section 106 (S106) / Contributions

KCC recognises that there is no mention of the wider PRoW network within the Green Transport and Highways section of the S106 Agreement Heads of Terms. This should be amended as the County Council would request contributions as mitigation for the impact of the development on the PRoW and to provide improvements to the wider connectivity. This is in line with the KCC ROWIP, a statutory KCC policy. The County Council considers that mitigation in the form proposed of new signage, planting and drop kerb crossings is not considered appropriate or sufficient.

The County Council would also draw attention to the following comments to the Applicant:

- No furniture, fence, barrier or other structure may be erected on or across PRoW without the express consent of the Local Highway Authority.
- There must be no disturbance of the surface of the PRoW, or obstruction of its use, either during or following any approved development without the express consent of the Local Highway Authority.
- No hedging or shrubs should be planted within 1 metre of the edge of the PRoW.
- Any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Local Highway Authority.
- No Traffic Regulation Orders will be granted by the Local Highway Authority for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the Applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, the County Council would need six weeks notice to process this.

Development Investment

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. These impacts 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).

Request Summary

	Per Applicable[1] House (NIL)	Per Applicable Flat (x 1,589)	Total	Project
Primary Education	Nil	£1,700	£2,701,300.00	Towards expansion of a school locally within the KCC North Kent Education Area
Primary Land	Nil	Nil	Nil	N/a

[1] 'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. Please confirm the number of 1 bed units proposed and that they are below this threshold.

Secondary Education	Nil	£1,294	£2,056,166.00	Towards any secondary school within three miles of the development
Secondary Land	Nil	£878.58	£1,396,063.60	Towards secondary school land for any secondary school within three miles of the development
Special Education Needs and Disabilities (SEND) School	Nil	£126.29	£200,674.81	Towards a SEND school within the KCC North Kent Education Area
Special Education Needs and Disabilities School Land	Nil	Nil	Nil	N/a

	Per Dwelling (x 3,500)	**Total**	**Project**
Community Learning	£16.42[2]	£57,470.00	Towards additional equipment, services, and resources to assist with the education and training of the new learners arising from this development at Gravesham Adult Education Centre
Youth Service	£65.50	£229,250.00	Towards youth service resourcing arising from this development or Miracles Youth Centre.
Library Service	£55.45	£194,075.00	Library service resourcing arising from this development or Gravesend Library .
Social Care	£146.88	£514,080.00	Towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and Changing Places arising from this development or at Age UK Fleming Resource Centre, Gravesend.
	All Homes built as Wheelchair Accessible and Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£129.20	£452,200	Ebbsfleet Waste Transfer Station
Highways	*Kent Highway Services will respond separately*		

[2] Please note that these figures are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3). They are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

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 Appendices 3a – 3d.

Education

KCC is the Statutory Authority for education and is the Strategic Commissioner of Education Provision and provides the following commentary below.

Primary Education

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

The proposal gives rise to additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through a new primary school.

This proposal has been assessed in accordance with the adopted 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.

Secondary School Provision

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

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 secondary school and will be provided and delivered in accordance with the timetable and phasing in the Local Planning Authority's Infrastructure Delivery Plan, where available.

KCC notes that 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.

It is also noted that 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 (2022-2026) and Children, Young People and Education Vision and Priorities for Improvement (2018-2021).

Community Learning

The County Council provides community learning facilities and services for further education in line with KCC policies as set out in Framing Kent's Future (2022-2026). Community Learning and Skills (CLS) helps people moving to a new development overcome social isolation and encourages community cohesion, as well as improving skills in a wide range of areas.

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 3b, along with the cost of mitigation.

To accommodate the increased demand on KCC Community Learning, the County Council requests £16.42 per dwelling towards the cost of providing Community Learning Project, local to the development.

Youth Service

KCC has a statutory duty to provide Youth Services under section 507B of the Education Act 1996. This requires KCC, so far as reasonably practicable, to secure sufficient educational leisure-time activities and facilities to improve the well-being of young people aged 13 to 19 and certain persons aged 20 to 24.

To accommodate the increased demand on the Kent Youth Service, the County Council requests £65.50 per dwelling towards additional resources for the Youth Service locally.

Library Service

KCC is the statutory Library Authority. Under the Public Libraries and Museums Act 1964, the County Council has a statutory duty 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 Northfleet items 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 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 the local library or mobile library service, as and when the monies are received.

Adult Social Care

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

KCC is the Statutory Authority for Adult Social Care. The proposed development will result in additional demand upon Adult Social Care Services, including older persons and adults with learning / neurodevelopmental / physical disabilities and mental health conditions. Existing care capacity is fully allocated, with no spare capacity to meet additional demand arising from this and other 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 3c) towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and Changing Places locally.

- In June 2019, the Department for Levelling Up, Housing and Communities identified in guidance that the need to provide housing for older and 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.

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 HWRCs and half a tonne per year to be processed at WTS'. Existing HWRCs and WTS' are running at capacity and additional housing will create a significant burden on the manageability of waste in Kent.

A contribution of £129.20 per household is required towards the waste facilities at Ebbsfleet, to mitigate the impact arising from this development, and accommodate the increased waste throughput within the Borough.

The County Council previously responded to the Environmental Impact Assessment (EIA) Scoping Report on 8th September 2022 and considered that waste should be scoped into the Environmental Statement. This is due to the potential impact upon this service from the proposed development and the misconception that landfill capacity was the determining factor in their EIA concluding a negligible impact.

KCC is therefore pleased to see that waste features as a chapter within the Environmental Statement and is supported by a Waste Strategy in the appendices.

However, the focus remains solely on available landfill capacity in determining the impact of the proposed development on waste facilities. As stated in the County Council's EIA Scoping Report response, the consideration of landfill as the only final disposal option for waste in Kent is incorrect. KCC disposes of less than 2% of waste to landfill and this is not kerbside collected household waste. All household waste is diverted, either to an energy from waste facility or to multiple recycling facilities, where waste is recovered and treated as a resource for recycling or energy production. The Environmental Statement must have consideration of the capacity at these alternative final disposal facilities. The sole consideration of landfill as the final disposal option also conflicts with the Environmental Statement which states that *'space to hold bins for Mixed Dry Recyclables, Food and Residual waste streams'* will be provided.

Additionally, in order for waste from developments such as that proposed to reach these final disposal facilities, it must first be taken to a WTS for bulking. The whole of the Gravesham District is currently served by a single transfer station, which is already at capacity. The County Council considers that the provision of an additional 3,500 homes will place an unsustainable burden of demand upon KCC waste disposal services and therefore informed mitigations should be identified within the Environmental Statement / Waste Strategy.

KCC does not agree with the concluding statement of the Non-Technical Summary in paragraph 110 '*Considering the waste management infrastructure available capacity within the region, the impacts of the waste arising from the Proposed Development will be minimal and will not result in likely significant effects upon waste infrastructure once operational'.* KCC would therefore recommend that this sentence is revised.

Waste Management and Recycling Management Strategy

The County Council considers that paragraph 1.3 within the Strategy is misleading, as kerbside collected waste is not sent to landfill, it is sent to an Energy from Waste Facility. In addition, food waste is not composted but sent to an AD plant.

KCC notes that Table 1 Waste and Recycling Management Policies omits the Kent Waste Disposal Strategy, a key document in setting out KCC's current position, identifying the future pressures and outlining how the County Council will maintain a sustainable waste management service.

In respect of paragraph 6.9, whilst KCC supports innovation, consideration of the contamination levels arising from use of a system such as this need to be further explored and demonstrated that this will not impact negatively on recycling rates.

Chapter 8 Waste Disposal is focused on available landfill capacity, which is not considered appropriate. Gravesham Borough Council as the Waste Collection Authority collects the household waste and brings it to the KCC WTS at Pepperhill for bulking before being transported to its final disposal outlet. For Kent, this does not include landfill.

The assessment in Paragraph 8.2 acknowledges '*that at least 75% of the total operational waste is considered to be MDR / recycling waste, that will be sent to household waste recycling facilities (for residential apartments)'*. KCC notes that kerbside collected household waste does not get sent directly to a Household Waste Recycling Facility as indicated, but is first sent to the KCC Pepperhill WTS for bulking before being transported to a Materials Recycling Facility (MRF) under Contract. The KCC Pepperhill WTS is at capacity and cannot sustainably accommodate the tonnages from the proposed development. The assessment does not consider the impact of significant volumes of mixed dry recyclables on the local waste infrastructure.

The anticipated residual waste arisings from the development are assessed against landfill void capacity, which the County Council notes is incorrect. After collection by Gravesham Borough Council and bulking at the KCC Pepperhill WTS, they are sent to the Allington Energy from Waste Plant. The impact of some 31,344m³ per annum of residual waste on the KCC Pepperhill WTS is not negligible as this facility is at capacity.

Broadband: Fibre to the premise/gigabit capable

KCC recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning to decide on the appropriate solution and the availability of the nearest connection point to high-speed broadband. Most major telecommunication providers are now offering next-generation access broadband connections free of charge to developers. The County Council notes that further details are available on their websites and would recommend that the Applicant has consideration of this matter.

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 S106 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. KCC would request that a draft copy of any S106 agreement or unilateral undertaking is shared at the earliest convenience prior to its finalisation.

KCC would request confirmation for when this application will be considered and that the County Council is provided with a draft copy of the Committee report prior to it being made publicly available. If the contributions requested are not considered to be fair, reasonable, and compliant with CIL Regulation 122, it is requested that the County Council is notified immediately and to allow at least 10 working days to provide such additional supplementary information as may be necessary to assist the decision-making process in advance of the Committee report being prepared and the application being determined.

Minerals and Waste

The County Council, as the relevant Mineral Planning Authority, strongly objects to the proposal on the grounds that it is contrary to national and local development plan policies on safeguarding and would undermine the adopted Mineral Strategy for Kent which relies heavily upon wharves and importation facilities as land-won resources are depleted. Robins Wharf is an important facility as it provides a sustainable means of importing the aggregate building materials needed to support economic growth and is well placed to serve Kent and London. The latter has a reported finely balanced aggregate mineral importation capacity (wharfage) and may well require imports from other areas (including Kent) to ensure the capital's growth is sustainably supported if it returns to the sales and consumption ratio seen in 2010 to 2018 (see paragraph 4.10 of the London Annual Monitoring Report 2019). It also provides facilities for concrete manufacture and coated asphalt products.

The wharf and its associated mineral based product facilities can operate in a largely unconstrained manner in the locality given the planning permissions it operates to, therefore taking full advantage of the River Thames as a means of achieving sustainable transportation of the bulk raw materials with great flexibility. This in turn enhances the safeguarded wharf to then provide aggregates and mineral based construction products to the immediate market efficiently. Loss of this importation facility would undermine both aggregate supply that is becoming more reliant on importation and adversely affect sustainable transport of such materials if greater reliance, through time, is placed on increased road transportation. Therefore, the proposal is contrary to the NPPF, as it does not accord with the need to safeguard existing sites for the bulk transport, handling and processing of minerals, the manufacture of concrete and associated products such as coated asphalt materials.

The adopted KMWLP 2020 in turn identifies Robins Wharf as such a site with its associated facilities that require to be safeguarded to allow a steady and adequate supply of aggregate materials to support sustainable development in Kent. In light of the economic importance of wharves to the county and the delivery of a sustainable minerals strategy, there is a presumption in planning policy that these sites are safeguarded. Any development that proposes the loss of such facilities needs to robustly demonstrate that it satisfies the exemption criteria of the safeguarding policies in the KMWLP. The application asserts a number of arguments to justify an exemption, but these are not considered sufficient to set aside the presumption to safeguard.

The Applicant asserts that the regenerative advantages of the proposal are of such a scale and importance in meeting the Gravesham Local Plan's objectives that they override the

presumption to safeguard the importation facility. The adopted Gravesham Local Plan not only has policies to safeguard the sustainable transport commercial importation sites (Robins Wharf is one such facility, see Policy CS07: Economy, Employment and Skills, paragraph 5.1.37 and Policy CS11: Transport). Moreover, the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area delineates Key Sites where the focus of regenerative development of this scale would be more appropriately located. Therefore, to deliver this regenerative development would needlessly incur the loss of the safeguarded wharf and compromise sustainable transport objectives of the Gravesham Local Plan. The Applicant's proposal does not accord with the adopted Gravesham Local Plan policies and is a departure from its spatial objectives.

With regard to the Applicant's assertion that the loss of the mineral importation wharf is justified and that its capacity is not needed, it is the County Council's view that the Applicant has failed to satisfy either exemption criteria 6 or 7 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities as the area of the proposal is outside the main areas identified for regeneration in the Local Plan. The need, therefore, to deliver it at the application site is not overriding (exemption criterion 6). Furthermore, the Applicant has used out-of-date monitoring data and failed to understand the importance of maintaining all mineral importation capacity, as this underpins the whole strategy of the adopted KMWLP in providing for a steady and adequate supply of aggregate minerals, as required by the NPPF.

The Applicant's assertion that sufficient available capacity to import aggregate minerals will continue to exist, even with the loss of Robins Wharf as this will not be needed (exemption criterion 7) as sufficient unused 'headroom' importation capacity exists, is a fundamentally misguided argument. Indications are that the available capacity 'head room' will increasingly be utilised even if overall aggregate mineral demand remains static, as the Kent land-won sector for the sharp sands and gravels is rapidly depleting. Moreover, any increase in overall demand will inevitably place additional strain on all available importation capacity, both in Kent and the proximate London area, where there is little if any mineral importation capacity headroom. Wharf sites are considered generally irreplaceable once lost, therefore it remains imperative to retain all importation capacity into the future. Neither exemption criterion (6) or (7) of the relevant safeguarding policy can be said to have been satisfied by the Applicant's submitted Mineral Infrastructure Assessment.

The County Council, as the relevant Mineral Planning Authority, is willing to maintain a dialogue with Gravesham Borough Council on the matter of mineral supply and importation and the safeguarding of importation and associated mineral products facilities in order to assist the Borough Council if this would be helpful.

KCC has provided detailed commentary on the application in Appendix 4.

Sustainable Urban Drainage Systems (SuDS)

The County Council, as Lead Local Flood Authority provided comments direct to Gravesham Borough Council on 28 November 2022 (Appendix 5).

Heritage Conservation

The County Council provided comments direct to Gravesham Borough Council on 14 December 2022 (Appendix 6).

Biodiversity

The County Council provided comments direct to Gravesham Borough Council on 7 December 2022. (Appendix 7).

The County Council will continue to work closely with Gravesham Borough Council to help to ensure the delivery of new housing and infrastructure in response to local needs. The County Council will welcome further engagement with Gravesham Borough Council 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,

Simon Jones
Corporate Director, Growth Environment and Transport

Enc.
Appendix 1: Local Highway Authority Detailed Response
Appendix 2: Extract of the Network Map
Appendix 3a: New School Land Costs Mk6 SEN
Appendix 3b: Communities Assessment (Master Nov 19)
Appendix 3c: Social Care Assessment (Master May 22)
Appendix 3d: Waste Assessment (Master May 22)
Appendix 4: Minerals and Waste Planning Authority Detailed Response
Appendix 5: Lead Local Flood Authority commentary - provided direct to the LPA on 28.11.2022
Appendix 6: KCC Heritage Conservation commentary – provided direct to the LPA on 14.12.2022
Appendix 7: KCC Biodiversity commentary - provided direct to the LPA on 07.12.2022

The site is in a sustainable location, with short walking and cycling distances to local bus stops and both local and international railway stations. The proposals include a dedicated Fastrack route through the site and walking, cycling and car club facilities, all of which will further assist in achieving a mode shift away from the private car. However, in order for KCC to provide a robust assessment of the proposals, further information is required.

A pre-application meeting took place with the applicant on 8th July 2022 and subsequent to that the applicant was sent a letter dated 19th July 2022 setting out the local highway authority's pre-application advice. In this letter it was requested that a Transport Strategy should be prepared and submitted with the application, to demonstrate how the transport elements will be delivered over time. Although a Transport Assessment (TA) has been submitted which has considered and assessed the transport impacts upon completion of the Development, a Transport Strategy is required as a live document and umbrella to the suite of other documents including the Framework Car Park Management Plan (CPMP), Framework Travel Plan (FTP), Framework Delivery and Servicing Plan (FDSP) and Framework Construction Traffic Management Plan (FCTMP). The Transport Strategy should carefully consider how the phasing of transport infrastructure (which is discussed in the Design and Access Statement (DAS)) would be delivered, which is important given the scale of the site and long build out programme of approximately nine years.

Detailed comments on the application documents relevant to transport issues are set out in turn in the subsequent paragraphs.

Transport Assessment

In paragraph 1.2 it should be noted that the site is nearer to Gravesend than Dartford, with it being four kilometres from Gravesend town centre.

Figure 2.2 only shows the 2 kilometre walk isochrones and not the 800 metre isochrones as well, which are helpful in illustrating what is accessible within a 10 minute walk. The 800 metre isochrones should also be provided.

Paragraph 2.13 refers to bus stops on Taunton Road. A description of the walking route between the site and the bus stops should be provided, include the crossing opportunities.

Paragraph 2.29 notes that accident data from Crashmap has been analysed and not data from Kent County Council (KCC). An analysis of the KCC data should be provided as part of a supplementary Transport Assessment.

Although not yet adopted, the applicant should consider the relevance of policies contained within the Gravesham Borough Council Regulation 18 Stage 2 Consultation Part 1: Local Plan Core Strategy Partial Review and Site Allocations and Part 2: Draft Development Management Policies documents. For each of the policy documents set out in Chapter 3, it should be demonstrated how the development proposals comply with the policies, rather than just list out the relevant policies.

A plan is required showing what is proposed at podium level. In particular, this should show the route of the proposed diversion of the A226 Galley Hill Road. The design of the diverted route will need to be assessed since it forms part of the site access arrangements. The diverted route under the podium should have a low-level verge to be maintained for emergency use by vehicle occupants and to maintain the design sight-lines on bends. A verge should be provided for an emergency walkway and it should be designed to the guidance and recommendations in the Department for Transport publication Inclusive Mobility. It is understood that this route also provides access for refuse collection at the stadium. How will this route accommodate the manoeuvres of refuse vehicles?

Figure 4.3 does not provide sufficient details of the proposals for the road layout. The changes proposed in paragraph 4.13, notably the realignment of the A226 and related junction alterations, as well as the proposed segregated Fastrack route should be shown on a plan. Further to this, what is the internal road hierarchy? What are the proposed primary route(s), secondary routes and potentially tertiary routes?

Paragraph 4.24 sets out the proposed six vehicular site access points. Although this is an outline planning application, means of access into and out of the Site from the highway network is being determined at this stage. It is therefore important that the proposals for each access point are clearly understood and assessed. As requested in the pre-application advice, site access plans (including changes to the highway) should be provided at an appropriate scale (1:500) including pedestrian and cycle access points, the highway boundary (which can be obtained by contacting highwaydefinitionsearches@kent.gov.uk), appropriate vehicle visibility splays, vehicle tracking, and appropriate pedestrian and cycle crossings. Vehicle tracking is particularly important given that the diverted A226 Galley Hill Road would be used by a significant proportion of goods vehicles associated with the existing industrial units in the local area. Vehicle tracking should demonstrate that the proposed amendments to the A226 Galley Hill Road can safely accommodate 16.5 metre Heavy Goods Vehicles. The appropriate access points should be tracked for a 12.2 metre electric bus but also checked for an 18 metre articulated bus, as has been the case for other developments. KCC will not generally accept lane withs of 3 metres. 3.6 metres is desirable and 4 metres is required where there are double turning lanes at junctions. Narrower lanes will cause safety issues for motorists with little margin for error, particularly where larger vehicles are involved. Is it intended that dedicated facilities for cyclists are provided at any of the site access points? Any cycle crossing points should be designed in line with LTN 1/20 and shown on the access plans.

An adoption plan should be provided where possible and a plan of the highway land proposed to be stopped up. As Galley Hill Road is an A class road, any changes to this highway should be designed to DMRB standards.

Paragraph 4.53 states one cycle parking space will be provided for each dwelling. Whilst this is in line with SPG4, EDC's Sustainable Travel Strategy requires one per bedroom, which may be more appropriate in this location and given the low parking provision.

Paragraph 5.25 states mode share for Ebbsfleet is 60%. This is incorrect.

Paragraph 6.8 states "*public transport model and associated variable demand model calculations will not be carried out for this task order as this assessment is not required by KCC*". To be clear, whilst it was agreed not to use the KTM for this purpose, it was requested that the PT element was assessed in a desk based assessment i.e calculate journey times using timetables and modelling results.

Paragraph 8.4 refers to a signal scheme proposal for junction 4 associated with Blue Lake. To confirm, the Blue Lake site does not have planning permission, nor does it have a live application.

Appendix J contains plans showing the proposals for the A226 Thames Way / B2175 Stonebridge Road and the A226 Galley Hill Road / Northfleet Industrial Estate junctions, at a scale of 1:1000 at A3. Break lines are shown where the road continues. However, this is not sufficient and the full road layout should be shown for the diverted section of the A226. A control / monitoring system such as UTMC must be included in the detailed design proposals for all signal junctions. These plans should also be updated with the additional information requested above. The proposed speed limits should also be clarified. On the B2175 Stonebridge Road, the existing pedestrian crossing facility at the roundabout is proposed to be removed. This should instead be replaced with a signalised pedestrian crossing. What are the access proposals for the existing Plough / Golden Grill in this location? No plans have been submitted for the other site access junctions, but these are required.

A Stage 1 Road Safety Audit was requested as part of the pre-application advice. However, this is outstanding and should be submitted along with the Designers Response to determine the acceptability of the access proposals. Any departures from standards must be highlighted.

Further detail is required regarding the proposed Fastrack Route. Specifically, this includes the following points:

- What is the route for Fastrack across the site? How does this relate to the cross-section for the Bus Corridor shown in Figure 4.5?;
- How does the proposed segregated Fastrack route connect to the road network at either end of the segregated section? Plans showing the proposed junctions should be submitted (one of

which is noted as the Grove Road / B2175 Stonebridge Road junction), which should include Fastrack priority measures such as bus gates and green wave at signals;

- How does the mode share presented in Table 4.2 relate to the actual forecast of passenger numbers? Has this been based on 2011 or 2021 Census data?
- Where would the bus stops within the site be located (this should be shown on a plan) and what facilities would be provided at these bus stops? and
- How would the proposed segregated Fastrack route affect existing Fastrack journey times?

What are the proposals for commercial bus services? In addition to Fastrack, routes 3, 34, 306, 480 Sapphire, 490 Sapphire and X55 currently serve stops within the site. How are the bus stops known as Taunton Road impacted by the proposed diversion of the A226 Galley Hill Road?

Figure 4.4 shows the pedestrian access points. It does not show a pedestrian route connecting onto Grove Road and this should be reconsidered. The redevelopment of the site bordering the eastern side of Grove Road, along with associated pedestrian and segregated cycle upgrades to Grove Road, is uncertain. Therefore, since this site shares a boundary with Grove Road to the east, pedestrian and cycle improvements to Grove Road should be considered as part of the proposals.

How do the pedestrian routes shown in figure 4.4 relate to the proposed diversion of the Public Right of Ways referred to in paragraph 4.27, including KCC's ambition to divert the English Coastal Path through the site upon completion of the development? PROW NU1 and National Trail, the England Coast Path will be affected, and further information is required. Please see separate comments from the PROW team.

Figure 4.6 shows the cycle access points. Similarly to pedestrians, it does not show a cycle route connecting onto Grove Road. Indeed, whilst several north-south cycle routes are shown, there is a lack of east-west cycle routes shown on figure 4.6. There is likely to be an existing demand for cyclists travelling from the B2175 Stonebridge Road which should be accommodated. 3 metre shared footway / cycleways as referenced in paragraph 4.31 and shown in Figure 4.5 are not acceptable. This also applies to the realigned A226 Galley Hill Road which is proposed to provide facilities for cyclists. Cycleways should be segregated from footways to provide high quality and attractive routes for pedestrians and cyclists. This is made clear in LTN 1/20 which states that *"on urban streets, cyclists must be physically separated from pedestrians and should not share space with pedestrians."* A 0.5m verge is proposed, but KCC require a minimum of 1 metre in width to be a functional component of the public realm.

It is assumed that the cross sections shown in Figure 4.5 relate to the realigned A226 Galley Hill Road (the HGV Access Corridor) and the segregated Fastrack route (the Bus Corridor), but this should be made clear and further commentary will subsequently be provided.

The principle of a Mobility Hub is supported. The proposed location should be shown on a plan, since it is important for it to be conveniently located and accessible by a range of sustainable modes. It should include all of the features listed in paragraph 4.36 of the TA.

Table 4.2 presents the car ownership data from the 2011 Census for the local area. This supports the assertion that the existing levels of car ownership are low for flats and maisonettes. It is also acknowledged that with appropriate sustainable travel measures, including a car club and mobility hub, there is potential for a further reduction in car use at the site. With this in place, an overall residential parking provision of 0.5 spaces per unit may be acceptable.

Please provide further evidence to show how many car club vehicles are required, so these can be secured. The EDC Sustainable Travel Strategy states "*The aim should be for every resident to have access to at least two car club parking bays within 5 minutes walking radius*".

For non-residential uses, the proposed car, EV, motorcycle and disabled parking provision for each land use should be set out against the relevant parking standard to allow the proposed provision to be assessed. The scope to reduce overall parking through shared provision can then be explored. Will any parking for the existing uses be retained? Does sufficient capacity exist on alternative modes to meet demand and ensure there are a choice of modes available as alternatives to the private car? The

Ebbsfleet United Football Stadium website currently directs drivers to park in Ebbsfleet International Car Park C. Do the proposals also include promoting the Station to park? Ebbsfleet International Car Parks are currently included in the Ebbsfleet Central application which is currently live (EDC/22/0168).

The applicant has indicated that their intention is to use the Kent Transport Model to assess the highway impacts of the proposals, which is supported. KCC looks forward to further discussions with the applicant regarding the model inputs and outputs. In the interim, some initial comments on Chapter 5 on Trip Generation and Chapter 6 on Traffic Assessment Methodology are given in the following paragraphs.

As set out in the pre-application advice, it was recommended that the traffic associated with the existing uses to be replaced by the Development was surveyed. This has not been undertaken and it has instead been decided not to discount the existing uses from the proposed development traffic. This methodology is acceptable.

Paragraph 5.8 states that Private Flats have been used to derive residential trip rates. However, the TRICS output in Appendix G shows that Mixed Private Housing trip rates have been used. The total vehicular residential trip rates presented in Table 5.4 are different from those in Appendix G. Please confirm the correct trip rates. Table 5.4 should also provide the unit (e.g., per dwelling or 100 sqm etc).

Why has the trip attraction for the stadium not been considered and why is it excluded from Table 5.4, when paragraph 6.28 states that the assessment will consider the stadium fully operational at maximum capacity of 8,000 spectators? The discrepancy should be clarified. Whilst the stadium is an existing use, the current capacity is 4,769 (of which 2,179 are seated), whilst the proposed capacity is stated to be an uplift to 8,000 seats in paragraph 4.3. The Design and Access Statement states that it could also hold major events of between 10,000 – 18,000 visitors. How often would major events take place? It is recommended that an Event Management Plan is submitted for review and secured by planning condition.

The two retail factory store surveys undertaken on a Sunday do not provide a robust basis on which to assess the weekday AM and PM peak hours, particularly since Sunday trading hours are different.

Whilst the principle of applying an internalisation factor to trip rates at a mixed use development is accepted, the factors set out in paragraph 5.18 should be supported by evidence to justify the reductions.

The mode shares are presented in Table 5.6 of the TA. For the residential development, 29% of trips as car driver appears too low, as does just 3% of trips by rail, given the convenience and attractiveness of commuting to London for work from the site. The vehicle occupancy and pedestrian mode shares look significantly high. Further evidence / justification is required in order for this to be accepted.

The assessment scenarios should also consider With and Without Ebbsfleet Central scenarios, since the Ebbsfleet Central site is located in proximity to the development site and the planning application has not yet been determined.

The traffic counts listed in paragraph 6.24 have not been provided for review and are required (Excel format would be appreciated). Plans should be provided (to scale) showing assumed geometry for the model inputs.

Paragraph 6.35 states that traffic has been distributed in accordance with existing turning movements. This is too simplistic for a development of this scale and is not acceptable. Distribution, including the use of 2011 / 2021 Census journey to work data can be discussed in more detail as part of the KTM work.

The ability of the railway network to accommodate the increase in demand should be explored and confirmed, assuming a worst-case scenario. This was requested during pre-application advice and has not been set out in the Transport Assessment.

Pedestrian and Cycle Audit

A desk-based audit of the existing walking and cycling routes has been undertaken from the site boundary to Ebbsfleet International Station, Northfleet Railway Station and Swanscombe Railway Station. A desk-based audit is not sufficient to provide an accurate assessment and a site visit should be undertaken instead.

It is unclear whether the audit assesses the existing situation or the future scenario with the development in place. For example, the proposals show the need to cross the B2175 Stonebridge Road to access Northfleet rail station. However, the site access proposals provided in Appendix J of the Transport Assessment do not show a pedestrian crossing facility on the B2175 Stonebridge Road to replace the existing crossing.

In terms of the routes considered, whilst the routes to the nearest rail stations are important, routes to the nearest town centres, primary and secondary schools should be assessed as well. This is particularly the case for schools since the proposals comprise approximately 3,500 residential units.

The audit states that segregation for cyclists along the route to Northfleet rail station could make this route more attractive to cyclists. It also states that pedestrian crossings on the route to Ebbsfleet station should be moved to the desire lines. Plans illustrating the exact location of these proposals should be submitted.

A description of the facilities at Northfleet Station for pedestrians and cyclists should be included in the audit / within paragraph 2.16 of the TA. Improvements may be required.

Framework Travel Plan

The FTP does not provide sufficient detail in respect of the proposed measures, monitoring and review mechanism. It should be expanded with further details provided on, but not limited to the following:

- The type of cycling parking which is proposed since residential and non-residential uses will have different requirements. Cycle parking should be high quality to ensure it will be safe and well-used. A proportion of cycle parking spaces should be designed for disabled / adapted cycles and bikes for hire should be included and costed within the FTP;
- Showers, lockers and changing facilities should be provided for use by the non-residential uses on the site;
- The Mobility Hub should be referred to in the FTP, since it could function as a focal point for the proposed travel planning measures;
- The targets should be considered alongside the trip generation set out in the TA, once it has been agreed;
- Why is the target only 5% reduction in car based trips? The standards approach is 10%.
- What remedial measures would be taken should the Travel Plan not achieve its targets?
- A proposal to establish a Transport Review Group, of which the Travel Plan Co-Ordinator would form part of as well other key stakeholders which should be identified;
- The review and reporting should be managed through the Transport Review Group;
- The monitoring mechanism should acknowledge that the development will be built in phases with the construction programme lasting over nine years, with first occupation taking place at the end of year 5 (according to the Construction Programme shown in figure 5.3 of the Construction and Demolition ES Chapter). The monitoring period will need to commence at occupation and then continue every six months for a period until at least five years after full occupation. The monitoring period in the FTP should be updated accordingly;
- An example travel survey which could be used as part of the Monitoring Programme should be provided. This should include site wide vehicle, pedestrian, cycle and public transport monitoring surveys, information on car club usage and parking surveys in the local area to confirm the site is not generating on street parking issues elsewhere;
- Details of the on-site car club should be included in the Travel Plan, including the number of spaces to be provided; and
- An adult annual Thameside bus ticket should be provided for each resident at the development and for each member of staff employed at the non-residential uses. Alternatively, the same cost may be distributed in the form of KCCs MAAS equivalent credits, if this is available at the time.

The FTP would form the framework for the development of a Side Wide Travel Plan as the development is built out.

Framework Construction Traffic Management Plan

The construction programme in Table 3.1 shows that it has a construction period over at least nine years, which contradicts the 6-7 year duration referenced in paragraph 3.2.

The proposed HGV routes shown on Figure 4.1 are supported. HGV's associated with construction should be restricted to the identified routes.

Paragraph 4.6 refers to access points for vehicles and pedestrians. Where will these be located for phase one and phase two? Paragraph 5.1 notes that a limited amount of parking will be provided, but how much and where will it be located? A figure showing the construction routes and access points into the site would be helpful. Access to existing businesses and properties should be maintained.

Paragraph 5.71 and Figure 5.14 of the Demolition and Construction ES Chapter contain an estimate of HGV numbers, which could be as high as 128 HGV movements per day. The estimated numbers should be included in the FCTMP.

No mention is made of the potential for the river to be used to transport materials during construction and therefore mitigate the potential impact on the local road network. Since the site has a section of river frontage, has use of the river been considered as part of the proposals? It appears that part of the existing jetty lies within the site, whilst part of it is not in the red line boundary. Confirmation should be provided as to whether the jetty is within the applicants control and could be used during construction.

What is the anticipated mode share for construction workers? Construction workers should be encouraged to travel by sustainable means as far as possible and a Construction Worker Travel Plan should form part of the Construction Traffic Management Plan.

Framework Delivery and Servicing Plan

The principles set out in the FDSP are supported. The FCSP should be reviewed as Reserved Matters Applications come forward for individual development plots.

Framework Car Park Management Plan

Further justification is required to support the proposed parking provision referenced in paragraph 1.4 and Table 1. This document should also set out the number of disabled, motorcycle and EV car parking spaces.

The number of potential permits issued to each residential unit should correspond to the number of spaces permissible under the adopted Car Parking Standards.

The FCPMP should consider how site users will be prevented from parking in Ebbsfleet rail station car park, particularly when events are held at the stadium.

The FCPMP should be reviewed as Reserved Matters Applications come forward for individual development plots.

Paragraph 3.6 states that "*car parking will be restricted along the internal roads at the site"* and that "*parking restrictions will prevent parking at all times along the Fastrack bus route*". Gravesham Borough Council are the parking authority and will need to enforce parking restrictions on the adopted highway. Any areas that remain unadopted will need to be enforced privately.

The FCPMP should include a commitment to undertake surveys of parking on local roads (pre- and post-occupation), in co-ordination with the FTP. A plan should be provided for agreement, showing the extent of the area to be considered. Initiatives should be set out to demonstrate how the Applicant would reduce this impact, should an issue be highlighted. This may include a financial contribution towards the consultation for the introduction of parking controls.

Parameter Plans

Parameter plan drawing number NFH-UNS-MAST-DR-1014 shows the Highway Access proposals and parameter plan drawing number NFH-UNS-MAST-DR-1020 shows the Highway Proposals Overview. Neither plan identifies a dedicated segregated Fastrack route, which paragraph 4.20 of the TA states will be provided. The Fastrack route should be shown on a plan accordingly. Similarly, the two bus stops referred to in paragraph 4.20 of the TA should also be shown on the plans.

Design and Access Statement

Section 7.2 of the DAS concerns phasing of the road network. The provision of the realigned A226 Galley Road in the first phase during Years 0-2 is supported. The proposed junction alterations of the A226 Galley Hill Road / B2175 Stonebridge Road, A226 Galley Hill Road / Lower Road and Lower Road / Northfleet Industrial Estate junctions should also be delivered in this phase. The proposed closure of the realigned A226 Galley Hill Road in the second phase during Years 2-4 will not be supported until these works have been delivered. A stopping up order will be required for the existing section of the A226 Galley Road which will be diverted and this should form part of the programme and shown on a plan. Vehicle access to the existing industrial uses off Lower Road will need to be maintained.

Traffic and Transport ES Chapter

Paragraph 7.11 states that the ATC Surveys took place between 12th July 2022 to 25th July 2022 and the MCC surveys took place on Tuesday 12th July 2022. The applicant should confirm that the ATC's were undertaken before school holidays commenced at local schools.

Structures

It is assumed that the proposed tunnel will be offered for adoption and will therefore need to undergo technical approval by the structures team (as stated in pre-app). If it is not, then it will still need an element of approval due to its proximity to the adopted highway. There are 3 existing structures which look like they may be affected, dependent on the final junction layout details and additional ones which look to remain unaffected. These may also require technical approval if they are affected in any way. I note there was reference to basements and piling, if any of these works are within 3.66m of adoptable highway, they may also require approval as a highway structure. Depending on final levels, there may be retaining walls or wing walls on the tunnel approaches which may also need technical approval.

The applicant should contact the structures team as soon as they have a more advanced design so that KCC structures can begin the technical approval process and identify all the affected assets that may require approval and potentially identify items which can be altered to remove the need for approval.

Conclusion

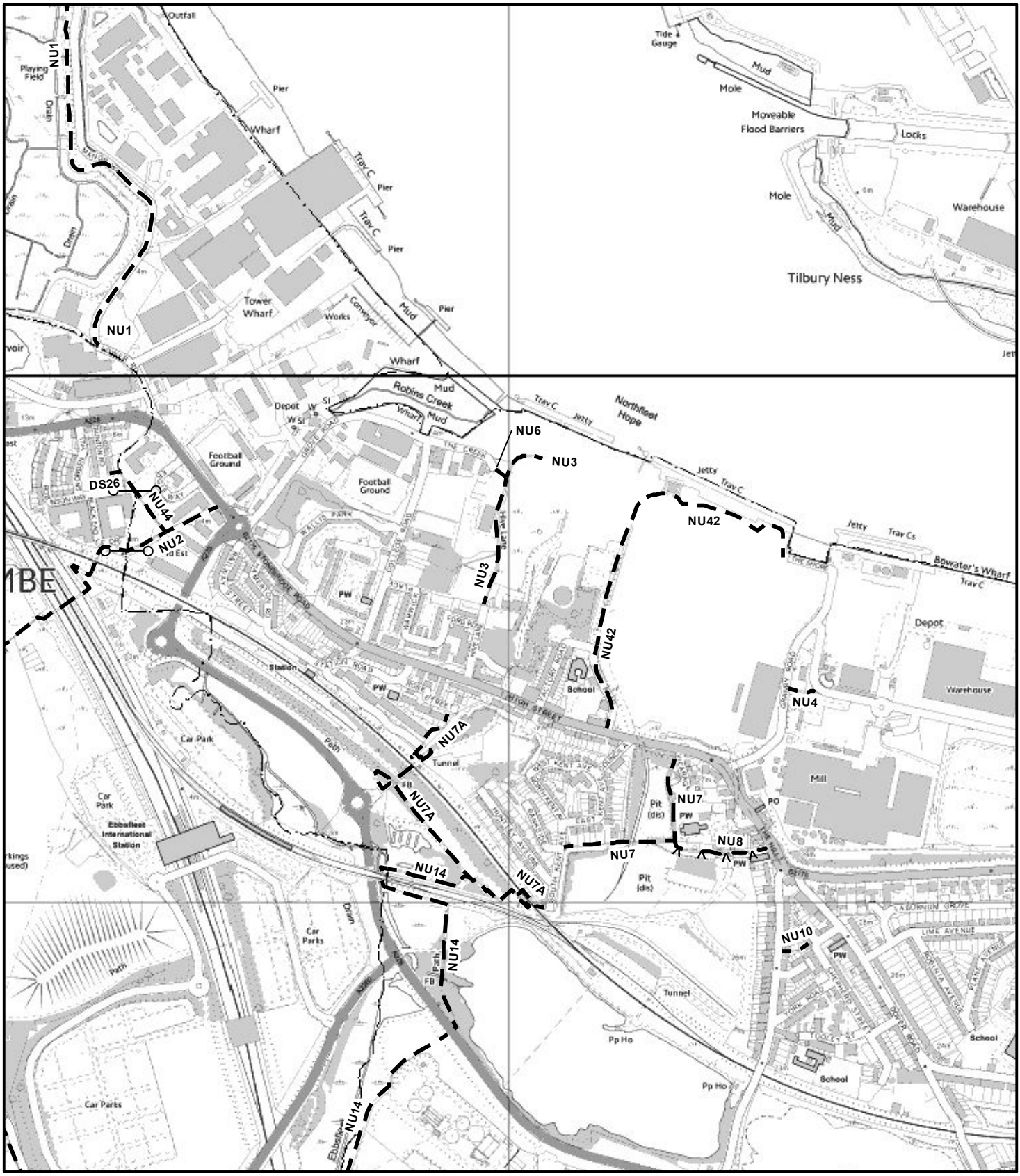
In conclusion I would like to place a **holding objection** on the application until the above issues have been resolved. Should the application be determined before the issues have been resolved, the below conditions / S106 requests should be secured.

Suggested Conditions / Obligations

At this stage it is envisaged that the following conditions / obligations will be sought. There may be additional requirements once the further information set out in this letter has been provided.

- Site Access points to be provided and open for use prior to occupation of the site.
- Best endeavours to implement TRO's for the segregated Fastrack route, diverted section of the A226 and internal roads, prior to occupation, to prevent ad hoc parking. The cost of preparing and implementing the TRO's will be at the Applicants expense. Private parking enforcement will be required on all non-adopted roads.
- All signal junctions along the Fastrack route are required to have Fastrack priority. As an absolute minimum this comprises green wave and UTMC technology.
- A segregated 6.75m Fastrack route, and segregated cycle route to be provided through the site between the B2175 Stonebridge Road / Grove Road and Lower Road. It should be open for use upon first occupation of the site.
- A diverted route for the A226 between Lower Road and the B2175 Stonebridge Road and should be open for use upon first occupation of the site.

- A signalised pedestrian crossing point on the B2175 Stonebridge Road to be open for use upon first occupation of the site.
- A contribution may be required towards Northfleet Rail Station improvements.
- Improvements to be undertaken to provide pedestrian facilities and a segregated cycleway on Grove Road prior to occupation of the 500th unit.
- Improvements / financial contribution secured through the S106 for improvements to the PROW network.
- A Mobility Hub to be provided at a central location within the site. As a minimum, this should contain: Electric car club vehicle with plug in charge point; electric bike hub with plug in charge point, bike hire, docking station & bicycles, bicycle stands and lockers, bicycle repair stand, bicycle pump, and an information terminal.
- A Site Wide Travel Plan is required to be submitted three months prior to first occupation of the site, based on the FTP. The Travel Plan should contain (as a minimum) site wide vehicle targets, a monitoring strategy, an action plan to be implemented to meet the targets, remedial measures to be implemented should the targets not be met, details of a transport fund to fund the remedial measures, and details of the Transport Review Group. Full Travel Plans for each individual use meeting the appropriate thresholds should be submitted to and agreed by the Council a minimum of three months prior to occupation of their associated use. These must be in accordance with the Site Wide Travel Plan.
- The Travel Plan must be monitored on a six monthly basis and needs to record the numbers of vehicles entering and leaving the site, with the results reported to the Transport Review Group within 3 months. The surveys should also record numbers of pedestrians, cyclists and public transport users. Monitoring must include on and offsite parking survey to capture any ad hoc parking and is to be paid for by the Applicant. The extent of the survey should be agreed with KCC and set out in the Full Travel Plan.
- A KCC Travel Plan monitoring fee of £1422 every five years is required and should be secured via the S106.
- A transport fund to be secured, to implement remedial measures, should the Travel Plan not achieve its targets or there are other issues identified that need to be rectified. Suggested contribution of between £300 and £2000 per unit.
- An annual Thameside bus ticket worth £820 for each resident and staff member who requests one / equivalent cost in KCC's MAAS equivalent scheme credits, if this is available, to be secured through the S106 and delivered upon occupation.
- A minimum of £50 per unit for cycle vouchers for the residential units, to be secured through the S106 and delivered upon occupation.
- A financial contribution will be required for new bus shelters at the Taunton Road bus stops, and Fastrack stops within the site, secured via the S106.
- A car club to be implemented on site with a minimum of three cars, with a minimum of one vehicle on site upon occupation. A number of the vehicles should be electric with associate charging facilities. One year's free membership and £50 driving credit should also be secured for the site users, to encourage take up.
- In line with KDG, an emergency or secondary vehicle access point must be available prior to the occupation of the 50th dwelling and connect to the highway of the primary access. A secondary access must be available prior to the occupation of the 300th dwelling.
- Pedestrian, cycle and public transport facilities to/from buildings / phases should be operational prior to their associated use.
- Vehicle, Disabled, Motorcycle, Cycle and Electric Vehicle parking provision set out in any subsequent RMAs to be based on KCC's parking standards at the time to ensure the most appropriate standards are implemented.
- A Car Park Management Plan to be submitted and implemented prior to first occupation.
- A Delivery and Servicing Plan to be submitted prior to first occupation.
- A Construction Traffic Management Plan will be required for future RMAs, based on the Framework CTMP which has already been submitted.
- An Event Management Plan to be submitted and implemented prior to first occupation of the stadium.



— – 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

EXTRACT OF THE WORKING COPY OF THE DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY FOR THE COUNTY OF KENT

FOR REFERENCE ONLY – NO FURTHER COPIES MAY BE MADE

Produced by the KCC Public Rights of Way and Access Service

Created by:	CF
Checked by:	CF
Issue Date:	13.10.16
Reference:	16.0004

N

1:10,000

0 0.5 1 Kilometres

0 0.25 0.5 Miles

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Appendix 1A

Education

Site Name	NORTHFLEET HARBOURSIDE – LAND SURROUNDING EBBSFLEET UNITED
Reference No.	GR 2022 1064
District	Gravesham

	Houses	Flats	Total
Unit Numbers		**1589**	**1589**

Primary Education

	Per house	Per flat
Primary pupil generation rate	*0.28*	*0.07*
New Primary Pupils generated from this development		**111**

New Primary School build contribution

	per Pupil	per House	per Flat
New Build Rate	*£24,286*	*£6,800*	*£1,700*
Contribution requested towards New Primary School Build			**£2,701,300.00**

Total Primary Education build contribution	**£2,701,300.00**

Secondary Education

	Per house	Per flat
Secondary pupil generation rate	*0.20*	*0.05*
New Secondary Pupils generated from this development		**79**

New Secondary School build contribution

	per Pupil	per House	per Flat
New Build Rate	*£25,880*	*£5,176*	*£1,294*
Contribution requested towards New Secondary School Build			**£2,056,166.00**

New Secondary School site contribution

Residential Land Price per acre for Gravesham *£800,000*

	Pupils	Hectares	Acres
6FE Secondary School	*900*	*8.00*	*19.768*
	per Pupil	**per House**	**per Flat**
Land Rate	*£17,571.56*	*£3,514.31*	*£878.58*

Total = Secondary School Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New Secondary School) = 19.768 x 800000 x (79.45 / 900)

Contribution requested towards New Secondary School Site	**£1,396,060.09**
Total Secondary Education Build and Land contribution	**£3,452,226.09**

Appendix 1A

Education

Site Name	NORTHFLEET HARBOURSIDE – LAND SURROUNDING EBBSFLEET UNITED
Reference No.	GR 2022 1064
District	Gravesham

	Houses	Flats	Total
Unit Numbers		**1589**	**1589**

Special Education Needs			
		Per house	**Per flat**
SEN pupil generation rate		*0.0110*	*0.0027*
New SEN Pupils generated from this development			**4**
New Special Educational Needs build contribution			
	per Pupil	**per House**	**per Flat**
New Build Rate	*£45,916*	*£505.17*	*£126.29*
Contribution requested towards New SEN School Build			**£200,674.81**
Total SEND build contribution			**£200,674.81**

Notes

Costs above will vary dependant upon land price at the date of transfer of the school site to KCC

Totals above will vary if development mix changes and land prices change

Land Price Per Acre

Enter the land price per acre for each district here. These will be automatically picked up by Appendix 1A when a district is selected from the drop down. Note there is a value for both Primary and Secondary

District	Primary Land Price	Secondary Land Price
Ashford	£700,000	£700,000
Canterbury	£1,000,000	£1,000,000
Dartford	£800,000	£800,000
Dover	£500,000	£500,000
Folkestone and Hythe	£560,000	£560,000
Gravesham	£800,000	£800,000
Maidstone	£800,000	£800,000
Sevenoaks	£1,000,000	£1,000,000
Swale	£600,000	£600,000
Thanet	£380,000	£462,585
Tonbridge and Malling	£950,000	£950,000
Tunbridge Wells	£1,000,000	£1,000,000

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KCC Communities

Development Contributions Assessment

Site Name	NORTHFLEET HARBOURSIDE – LAND SURROUNDING EBBSFLEET UNITED FOOTBALL CLUB, BOUNDED BYLOWER ROAD, RAILWAY LINE, GROVE ROAD THE RIVER THAMES
Reference No.	GR 2022 1064
District	Gravesham
Assessment Date	16/12/2022
Development Size	3,500

EXPORT Basic Guidelines:
- Add the Site's name and Reference No. if available
- Select the District that the development is located in
- Enter the size of the development

DO NOT EDIT ANYTHING ELSE ON THIS SHEET!

- Click 'Export' to create a copy of the assessment

After exporting:
- Add projects to bottom part of each service as appropriate

COMMUNITY LEARNING & SKILLS

	Services
Current Service Capacity	1,484
LESS Current adult participation in Gravesham district	1,558
Initial capacity **shortfall**/**surplus** (Year ending 2019)	**-74**
New adult participation from this development	**125.62 clients**
Will service capacity be exceeded?	**YES**
Contributions requested from this development	£16.42 per dwelling
3500 dwellings from this proposal	**£57,470.00**

YOUTH SERVICE

	Centre and Hub based Services	Outreach and Targeted Services
Current Service Capacity	1,377	742
LESS Current youth participation in Gravesham district	1,446	779
Initial capacity **shortfall**/**surplus** (Year ending 2019)	**-69**	**-37**
New youth participation from this development		**175 clients**
Will service capacity be exceeded?		**YES**
Contributions requested from this development		£65.50 per dwelling
3500 dwellings from this proposal		**£229,250.00**

LIBRARIES

Libraries assessed for this development	Library Stock and Services
Current Service Capacity	12,381
LESS Current library participation in Gravesham district	13,001
Initial capacity **shortfall**/**surplus** (Year ending 2019)	**-619**
New borrowers from this development	**1020.6 borrowers**
Will service capacity be exceeded?	**YES**
Contributions requested from this development	£55.45 per dwelling
3500 dwellings from this proposal	**£194,075.00**

Net contributions requested for KCC Communities' Services	**£480,795.00**

Community Learning

19+

District	2019	2026	2031	2019-2031
Ashford	98,700	109,900	118,500	**19,800**
Canterbury	134,100	143,200	150,500	**16,400**
Dartford	83,900	97,900	104,000	**20,100**
Dover	93,300	100,800	102,900	**9,600**
Folkestone and Hythe	90,700	96,000	100,300	**9,600**
Gravesham	80,300	84,700	87,300	**7,000**
Maidstone	132,300	141,200	147,100	**14,800**
Sevenoaks	92,500	97,200	101,000	**8,500**
Swale	114,100	120,700	126,600	**12,500**
Thanet	110,700	120,600	129,500	**18,800**
Tonbridge and Malling	100,300	106,700	110,800	**10,500**
Tunbridge Wells	90,600	97,200	101,800	**11,200**
KCC Area	**1,221,500**	**1,316,100**	**1,380,300**	**158,800**

2019 Service Demand
1,915
2,602
1,628
1,810
1,760
1,558
2,567
1,795
2,214
2,148
1,946
1,758
23,697

Youth Services

13-19

District	2019	2026	2031	2019-2031
Ashford	10,600	12,700	13,100	**2,500**
Canterbury	16,100	17,700	18,000	**1,900**
Dartford	8,600	11,500	12,400	**3,800**
Dover	8,600	10,000	9,600	**1,000**
Folkestone and Hythe	7,900	9,000	8,700	**800**
Gravesham	8,900	10,300	10,700	**1,800**
Maidstone	13,100	15,700	16,400	**3,300**
Sevenoaks	9,300	10,900	10,800	**1,500**
Swale	11,700	13,900	14,200	**2,500**
Thanet	10,800	13,000	13,200	**2,400**
Tonbridge and Malling	11,300	13,000	13,200	**1,900**
Tunbridge Wells	10,000	11,500	11,000	**1,000**
KCC Area	**126,900**	**149,200**	**151,300**	**24,400**

2019 Service Demand
2,650
4,025
2,150
2,150
1,975
2,225
3,275
2,325
2,925
2,700
2,825
2,500
31,725

Libraries

All Ages

District	2019	2026	2031	2019-2031
Ashford	130400	144400	154200	**23,800**
Canterbury	166200	177200	184400	**18,200**
Dartford	112500	131900	139200	**26,700**
Dover	117600	126400	127600	**10,000**
Folkestone and Hythe	11300	119000	122800	**111,500**
Gravesham	107000	112900	115400	**8,400**
Maidstone	172400	184500	190600	**18,200**
Sevenoaks	121100	127800	132000	**10,900**
Swale	149400	158000	163800	**14,400**
Thanet	142300	153900	163100	**20,800**
Tonbridge and Malling	132400	141200	145600	**13,200**
Tunbridge Wells	119000	126700	131400	**12,400**
KCC Area	**1,481,600**	**1,703,900**	**1,770,100**	**288,500**

2019 Service Demand	
Borrowers	Digital Dens
15,844	12,000
20,193	11,700
13,669	10,600
14,288	9,200
1,373	8,800
13,001	10,000
20,947	14,900
14,714	11,200
18,152	13,600
17,289	12,300
16,087	11,800
14,459	10,900
180,014	**137,000**

KCC Social Care, Health and Wellbeing

Development Contributions Assessment over the planning period 1/1/2019 to 31/12/2039

Site Name	NORTHFLEET HARBOURSIDE – LAND SURROUNDING EBBSFLEET UNITED FOOTBALL CLUB, BOUNDED BYLOWER ROAD, RAILWAY LINE, GROVE ROAD THE RIVER THAMES
Reference No.	GR 2022 1064
District	Gravesham
Assessment Date	16/12/2022
Development Size	3,500

Export

EXPORT Basic Guidelines:
- Add the Site's name and Reference No. if available
- Select the District that the development is located in
- Enter the size of the development
- Click 'Export' to create a copy of the assessment

DO NOT EDIT ANYTHING ELSE ON THIS SHEET!

After exporting:
Editing functions can be performed- feel free to consult the 'Quick Spreadsheet Formatting Guide' as a reference.
Remove all irrelevant sections.

Net Social Care contributions requested:

Social Care and Health Services **£514,080.00**

Kent County Council has statutory* responsibilities to provide a variety of services that support and care for vulnerable adults and children across the county. In line with KCC Strategy**, the modern focus of the service is to support adults to live fulfilling and independent lives at home and in their community, ensuring adults receive the right care when they need it, and are also supported to get back on their feet when it is appropriate and possible.

To support this strategy, KCC seeks contributions toward five priority areas and may choose to apply the whole contribution to a single project, or proportionately between projects. The contribution from the development is the same. The result is greater certainty of project delivery and benefit to new communities to put together workable projects for the community and clients.

Proposed new housing development results in additional demands upon Adult Social Care (ASC) services from increases in older people and also adults with Learning, Physical and/or Mental Health Disabilities. Available care capacity is fully allocated already, with no spare capacity to meet additional demand arising from this and other new developments.

The focus of Adult Social Care is currently on the five areas listed below, offering a preventative approach to providing care. Based on an agreed set of service delivery models, an annual assessment of the impact of new and existing housing on these services has been carried out. Only the financial impacts relating to new housing are displayed.

Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures

* Under the Care Act 2014, Mental Health Act 1993 and Mental Capacity Act 2005

**https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing

A. ASSISTIVE TECHNOLOGY & HOME ADAPTATION EQUIPMENT	*Assistive Technology systems and Home Adaptation Equipment are delivered to vulnerable adults in their own homes, enabling them to: live with the confidence that help is available when they urgently need it and to remain independent in their own homes.*
B. ADAPTING COMMUNITY FACILITIES	*Adapting Community Facilities to be accessible for those with both mental and physical disabilities means vulnerable adults can access other support services and facilities safely and comfortably.*
C. SENSORY FACILITIES	*Sensory facilities use innovative technology to provide a relaxing or stimulating environment for people of all ages with sensory impairment conditions. The facilities may be used to calm stress and anxiety, or to encourage sensory development and social engagement.*
D. CHANGING PLACE	*Changing Places have additional features than standard accessible toilets to meet the needs of people with a range of disabilities and their carers. These toilets are usually located in or near a popular public area to ensure suitable facilities are available for use by vulnerable adults when necessary.*
E. SPECIALIST CARE HOUSING	*Specialist care housing includes extra care accommodation and other care living accommodation for those clients with special requirements. These requirements include but are not limited to, the elderly and those with physical and learning requirements.*

New Social Care Clients generated from this development:	**704 client(s)**
Forecast SC clients generated from ALL proposed developments within the District (up to 2039)	***1,671 clients***
Contributions requested from this development	**£514,080.00**

Contributions requested towards Specialist Housing in the District, Assistive Technology & Home Adaptation Equipment, Adapting Community Facilities, Sensory Facilities and Changing Places in the vicinity of the development.

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.

Dev Cons Request Letter - add to main SC section

Ageing Population Analysis: 2019 - 2039	
District	Gravesham
Existing population aged 65+ in 2019	18,600
Forecast population aged 65+ by 2039	25,200
Forecast Increase*	**6,600 (35%)**
Forecast additional SC capital needs clients by 2039 (aged 65+)	**1,261**
From proposed new development	*255*
From existing housing stock	*1,006*

** KCC R&I Interactive Population Toolkit November 2020*

Assessment Summaries

Overall Client Forecasts

		Community Services			Health and Social Services					
District	**Housing 2019-2039**	**CLS Clients**	**YS Clients**	**Borrowers**	**Assistive Technology**	**Adapting Community Facilities**	**Sensory Facilities**	**Changing Place**	**Specialist Care Housing**	**Social Care Total**
Ashford	**20,230**	726	1,012	5,899	225	2,428	971	243	202	**4,068**
Canterbury	**18,257**	655	913	5,324	203	2,191	876	219	183	**3,671**
Dartford	**20,070**	720	1,004	5,852	223	2,408	963	241	201	**4,036**
Dover	**12,219**	439	611	3,563	136	1,466	587	147	122	**2,457**
Folkestone and Hythe	**14,813**	532	741	4,319	164	1,778	711	178	148	**2,979**
Gravesham	**8,311**	298	416	2,423	92	997	399	100	83	**1,671**
Maidstone	**17,603**	632	880	5,133	195	2,112	845	211	176	**3,540**
Sevenoaks	**14,229**	511	711	4,149	158	1,707	683	171	142	**2,861**
Swale	**16,389**	588	819	4,779	182	1,967	787	197	164	**3,296**
Thanet	**21,511**	772	1,076	6,273	239	2,581	1,033	258	215	**4,326**
Tonbridge and Malling	**14,328**	514	716	4,178	159	1,719	688	172	143	**2,881**
Tunbridge Wells	**14,010**	503	701	4,085	156	1,681	672	168	140	**2,817**
KCC Area	**191,970**	**6,890**	**9,599**	**55,978**	**2,131**	**23,036**	**9,215**	**2,304**	**1,920**	**38,605**

65+ Population Forecasts

	Population Aged 65+		Adapting Com. Facilities Clients (2039)
District	**2019**	**2039**	
Ashford	25,278	39,640	1,982
Canterbury	34,140	49,059	2,453
Dartford	15,874	23,978	1,199
Dover	27,789	39,536	1,977
Folkestone and Hythe	28,031	41,967	2,098
Gravesham	18,555	25,230	1,261
Maidstone	33,008	47,603	2,380
Sevenoaks	26,098	34,937	1,747
Swale	28,844	40,811	2,041
Thanet	33,820	48,721	2,436
Tonbridge and Malling	24,903	36,435	1,822
Tunbridge Wells	23,056	34,862	1,743
KCC Area	**319,396**	**462,779**	**23,139**

WASTE SERVICES ASSESSMENT REPORT

KCC Waste Services

Development Contributions Assessment over the planning period 1/1/2021 to 31/12/2030

Site Name	NORTHFLEET HARBOURSIDE – LAND SURROUNDING EBBSFLEET UNITED FOOTBALL CLUB, BOUNDED BYLOWER ROAD, RAILWAY LINE, GROVE ROAD THE RIVER THAMES
Reference No.	GR 2022 1064
District/Area	Gravesham
Assessment Date	16/12/2022
Development Size	3,500

Net Waste contributions requested:

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, meaning that it is responsible for the receipt and onward processing/disposal of household waste, providing Waste Transfer Stations (WTS), Household Waste Recycling Centre Services (HWRC) and monitoring closed landfills. Kent residents make approximately 3.5 million visits to HWRCs per year and each household produces an average of a 1/4 tonne of waste to be processed at HWRCs, and 1/2 tonne to be processed at WTSs annually. Kent's Waste Management services are under growing pressure with several HWRCs and WTSs over operational capacity (as of 2020).

In accordance with the Kent Waste Disposal Strategy 2017-2035, 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:

A. WASTE TRANSFER STATIONS (WTS)

Additional waste generated by new households increase the throughput of waste and reduce speed of waste processing at Waste Transfer Stations.

1. Applicable dwellings from this development	**3,500**
*2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)**	*70,100*
3. Overall cost of increasing capacity for 70,100 new dwellings by 2030	*£9,056,920.00*
4. Cost per new dwelling (£9,056,920 / 70,100 new homes)	£129.20
Contributions requested from this development	£129.20 per dwelling
3,500 dwellings from this proposal	**£452,200.00**

Contributions requested towards Ebbsfleet WTS

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	**3,500**
*2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)**	*64,200*
3. Overall cost of increasing capacity for 64,200 new dwellings by 2030	*£3,496,974.00*
4. Cost per new dwelling (£3,496,974 / 64,200 new homes)	£54.47
Contributions requested from this development	£54.47 per dwelling
3,500 dwellings from this proposal	**£190,645.00**

Contributions requested towards Ebbsfleet HWRC

Net Contributions requested for KCC Waste from this development	**£642,845.00**

*** 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.

Waste

Area	WTS Dwellings*	HWRC Dwellings*	MRF Dwellings*	WTS Rate per Dwelling	HWRC Rate per Dwelling	MRF Rate per Dwelling	Total Rate per Dwelling	WTS Project(s)	HWRC Project(s)	Note
Ashford Town and North	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Folkestone WTS	Faversham HWRC	HWRC rate would be applied to northern part of District as per HWRC catchment maps, as this area falls within 20 minute drive time of Faversham HWRC which does have an identified project.
Ashford Rural South	70,100	0	112,300	£129.20	£0.00	£0.00	£129.20	Folkestone WTS	None	HWRC rate would not be applied to southern part of Borough as per HWRC catchment maps, as this area falls outside 20 minute drive time of a HWRC with an identified project.
Canterbury	0	64,200	112,300	£0.00	£54.47	£0.00	£54.47	None	closer of Faversham, Margate or Dover HWRC	
Dartford	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Ebbsfleet WTS	Ebbsfleet HWRC	
Dover	0	64,200	112,300	£0.00	£54.47	£0.00	£54.47	None	Dover HWRC	
Folkestone	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Folkestone WTS	Folkestone HWRC	
Gravesham	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Ebbsfleet WTS	Ebbsfleet HWRC	
Maidstone	0	64,200	112,300	£0.00	£54.47	£0.00	£54.47	None	Maidstone HWRC	
Sevenoaks North	0	64,200	112,300	£0.00	£54.47	£0.00	£54.47	None	Swanley HWRC	
Sevenoaks South	0	0	112,300	£0.00	£0.00	£0.00	£0.00	None	None	
Swale	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Sittingbourne WTS	closer of Sheerness, Sittingbourne or Faversham HWRC	
Thanet	0	64,200	112,300	£0.00	£54.47	£0.00	£54.47	None	Margate HWRC	
Tonbridge North	0	64,200	112,300	£0.00	£54.47	£0.00	£54.47	None	Allington HWRC (refuse facility)	
Tonbridge South	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Tunbridge Wells WTS	Tunbridge Wells HWRC	
Cranbrook & Hawkhurst East Borough	70,100	0	112,300	£129.20	£0.00	£0.00	£129.20	Tunbridge Wells WTS	None	HWRC rate would not be applied to eastern part of District as per HWRC catchment maps, as this area falls outside 20 minute drive time of a HWRC with an identified project.
Tunbridge Wells West	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Tunbridge Wells WTS	Tunbridge Wells HWRC	

* Total of new housing across applicable districts up to 2030

Northfleet Harbourside Outline Planning Application Ref: 20221064

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above outline planning application. I have considered the application details, with particular emphasis on the submitted Mineral Infrastructure Assessment (MIA) prepared by Wardell Armstrong dated as September 2022 and the Planning Statement.

The development proposed by the application would involve the loss of an operational minerals wharf and associated minerals processing facilities (Robin's Wharf). The submitted Minerals Infrastructure Assessment (MIA) seeks to argue a policy exemption from the presumption to safeguard the operational wharf (Site G: Robins Wharf, Northfleet), and the associated mineral plant infrastructure (mortar and mixed concrete and asphalt coated stone product plants). An exemption against criterion 6 or 7 of Policy DM 8: Safeguarding Minerals Management, Transportation Production & Waste Management Facilities of the Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review 2020) (KMWLP) is sought. I have the following comments to make on the MIA in relation to the KMWLP and the relevant national and local plan policy.

In summary, the County Council, as the relevant mineral planning authority **strongly objects** to the proposal on the grounds that it is contrary to national and local development plan policies on safeguarding and would undermine the adopted Mineral Strategy for Kent which relies heavily upon wharves and importation facilities as land won resources are depleted. The proposal is also contrary to the adopted Local Plan Policy as set out in the Gravesham Local Plan Core Strategy Adopted 2014. Details are set out below.

National Planning Policy Framework (NPPF) (2021)

As a matter of national planning policy, it is important to note that the NPPF, in the context of Section 17, 'Facilitating the sustainable use of minerals', paragraph 209, states that:

> *"It is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs."*

Supply comes from a variety of sources – landwon and importation. Kent County Council (KCC) as the Mineral Planning Authority (MPA) for Kent is mandated to maintain landbanks of aggregate minerals, however, importation to meet overall needs is increasingly important as landbanks start to become depleted and cannot be sufficiently replenished. This may be due to geological scarcity and /or environmental constraints on remaining resources. As a result, importation for an increasingly constrained aggregate mineral supply becomes ever more important. This is the case with the landwon sharp sands and gravels that have become depleted in Kent. To meet national policy for aggregate mineral supply it is imperative to maintain importation capacity in the county's wharves and rail depots.

Furthermore, paragraph 210 (e) of the NPPF states that planning policies should:

> *"safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material."*

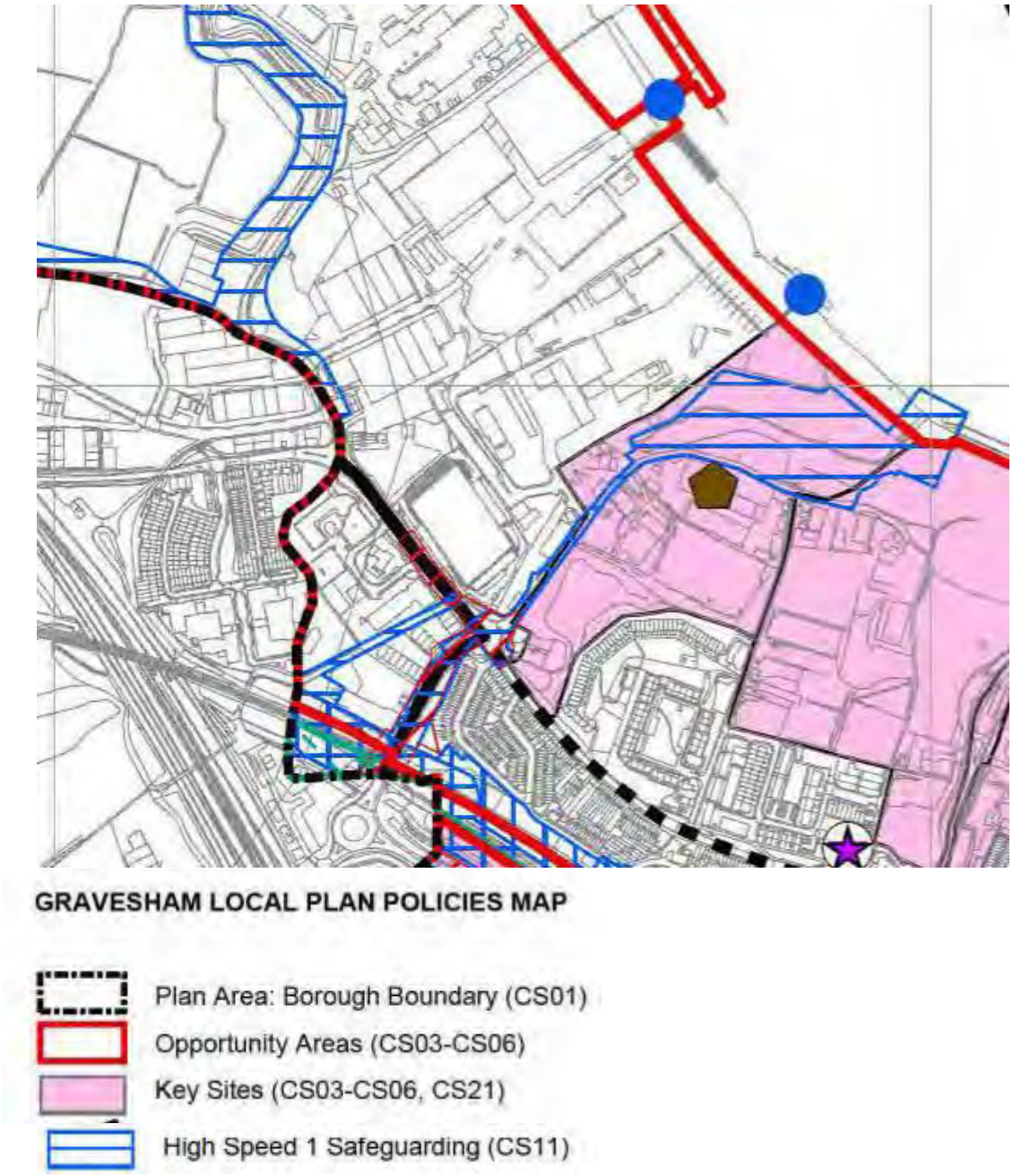
This policy support highlights the vital need for the safeguarding of wharves such as Robins Wharf, as well as the mineral related operations (mortar and concrete manufacture and asphalt coated stone production within the safeguarded wharf operational area) which

Robins Wharf supports. Not to do so would be for both County and Borough Councils to act in a manner that is contrary to national planning policy.

Local Plan Policy

Gravesham Local Plan Core Strategy Adopted 2014 and Gravesham Local Plan Core Strategy- Policies Maps Adopted 2014

The application area falls within one of the Opportunity Areas as defined by the Local Plan, subject to policies CS03-CS06.



Extract from Gravesham Local Plan Core Strategy- Policies Maps Adopted 2014

FIGURE 2.1: EXTRACT FROM APPLICATION SITE PLAN (NOT TO SCALE)

Extract from the applicants submitted Planning Statement showing the application site (in red outline).

Of the Policies CS03-CS06, Policy CS03: Northfleet Embankment and Swanscombe Peninsula East Opportunity Area is of particular relevance. It relates to the majority of the area of the application site, this being within the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area (sub-area 1.3). What is important to note is the application site is not one of the Plan's 'Key Sites' for riverside regeneration. It is caveated with the understanding that there are existing uses within the Opportunity Area that require to be taken into account when submitting any proposals for development in this area, despite the policy's objective for local regeneration. Para. 4.4.6 makes this point clearly, as seen in the extract from the plan below (emphasis added):

> *'4.4.6* ***Grove Road and Lower Ebbsfleet Area (sub-area 1.3) consists of a number of separate sites that have regeneration potential****. These* ***may be realised during or beyond the plan period*** *depending on the aspirations of the landowners and the* ***viability of development****. Viability is likely to be influenced by the relative success of the Ebbsfleet development to the south.* ***The development potential of this area is likely to be further constrained by:***
>
> - *Ground conditions - the area has been actively used for industrial purposes for over 200 years and is likely to be subject to contamination;*
>
> - *Heritage and archaeology - the area around Robin's Creek (outflow of the Ebbsfleet into the Thames) was the site of a medieval watermill later converted to grind cement in the 1790s, Portland cement was later invented here and Aspdin's Kiln (Scheduled Monument) and other features of heritage interest are likely to remain; and*

> • ***Existing uses - development of sites on a piecemeal basis is likely to be constrained by the proximity of existing poor neighbours (<u>including the importation and processing of minerals at Robin's Wharf</u>) or the need to retain/decant existing uses (including the local football ground).'***

The policy is not identifying the entirety of the sub-area as one where a comprehensive re-development of the sub-area is part of the Plan's regenerative objectives. The component 'separate sites' are not defined and where they exist it is not anticipated that they will necessarily come forward in the adopted Plan's period. Moreover, development in this area will be potentially affected (including in terms of viability) by the existing uses, specifically mentioning mineral importation and mineral product processing. Therefore, the Plan anticipates that any regenerative re-development proposals that were to be submitted would be constrained by existing facilities and the policy clearly does not anticipate their loss. While it is clear that re-development proposals in sub-area 1.3 would be seen as in general accordance with the overall aims of the Plan for regeneration, they would be limited by the potential proximity of the continued existence of the established uses, including mineral importation and mineral product processing.

The applicant's Planning Statement Section 5.0 Planning Policy Statement is in fundamental error in this regard. As it concludes (emphasis added):

> *'5.22 It is clear from policy at the national and local level that the priority is to bring forward residential-led development in sustainable locations on brownfield land. At the local level there is specific emphasis on delivering development of scale within the Northfleet area and moving away from the space-inefficient industrial uses of the past.*
>
> *5.23 The Proposed Development adheres to these planning policy priorities. It involves the reuse and redevelopment of a large tract of previously developed brownfield land within a highly accessible location, benefiting from excellent local, regional, and international transport links.*
>
> *5.24 Indicative of this,* ***the entirety of the Site is allocated within an Opportunity Area for growth and regeneration, and the majority of the application boundary is within a sub-area where residential led development has also been identified on one of the key sites. In line with policy priorities****, and in order to deliver growth and sustainable development, it is imperative that opportunities for development are capitalised upon on sites such as this, particularly where* ***such Sites are free from significant constraints*** *such as Green Belt designation or nutrient neutrality considerations'*

The applicant's analysis ignores Policy CS03's explanatory memoranda that makes clear that any development within the sub-area (1.3) would be *constrained* by the continuance of existing uses in terms of the available area and viability (due to the proximity of these other 'poor neighbour' uses), and it ignores the constraint of mineral infrastructure safeguarding policy (though this is dealt with separately) when it states "…...*particularly where* ***such Sites are free from significant constraints****…..*" The entire re-development of Sub-area 1.3, as proposed, goes beyond the local plan's policy parameters for the area and should therefore be seen as a departure from this part of the area's adopted Development Plan.

Moreover, Robins Wharf is also safeguarded by the Gravesham Local Plan (2014) under Policy CS11, subject to the provisions of Policy CS07 (Economy, Employment and Skills)

specifically states that the loss of existing commercial wharves shown on the Policies Map and other land-side supporting infrastructure will not be supported unless a study and supporting evidence shows that they are no longer viable for marine related employment purposes or are incapable of being made so at reasonable cost. It states at para. 5.136 of the policy (emphasis added):

> *'5.1.36 The **loss of existing commercial wharves shown on the Policies Map** and other **land-side supporting infrastructure** will **not be supported unless a study and supporting evidence** shows that **they are no longer viable for marine related employment purposes or are incapable of being made so at reasonable cost**, and it has **been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council** guidance (Appendix 5), **or appropriate alternative provision is available** or **will be provided as part of the rationalisation of facilities that, as a minimum, maintains capacity and provides equivalent or better facilities**.'*

Such a study, to demonstrate that existing commercial wharves are no longer viable and cannot be made viable, has not been provided as part of the application. Moreover, the assertion that 'appropriate provision' is available is not accepted by the County Council for reasons that will be enlarged upon below when discussing wharf capacity in relation to the exemption from the presumption to safeguard policies of the Kent Minerals and Waste Local Plan 2013-2030. The proposal is therefore contrary to Local Plan Policies CS03 and CS07.

Furthermore para. 2.6.3 of the Local Plan confirms that the River Thames is an important resource for passenger and freight transport and states that:

> *'There are a number of commercial wharves, the majority of which are in operational use, that are important to facilitate the sustainable transport of minerals and other goods by water.'*

The following Local Plan para. 2.6.4 confirms that there will be a need to ensure, amongst other things, that:

> *• commercial wharves and other sites needed to support the River Thames as a working waterway are retained or appropriate alternative provision is available or will be provided where rationalisation is proposed to allow regeneration to take place;*

The Spatial Vision of the Local Plan at para. 3.1.3 envisages, amongst other things, that:

> *"As a minimum, the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway will have been retained."*

In similar terms Strategic Objective 18, which applies across the Borough, seeks to:

> *"As a minimum, safeguard the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway".*

The adopted Local Plan recognises the importance of the River Thames and its associated importation and exportation infrastructure for sustainable transport of goods, this includes

mineral wharves as they remain a commercial activity, as recognised by Local Plan Policy CS11: Transport that states at para. 5.5.43 that (emphasis added):

> *"The council will support proposals which improve the efficiency freight transport and provide opportunities for alternative road transport where possible. The* ***Council will safeguard wharves****, as shown on the Policies Map, subject to the provisions of paragraph 5.1.36 of Policy CS07 (Economy, Employment and Skills)".*

The proposal is contrary to Local Plan Policy CS11 as, in the absence of a study that demonstrates objectively that the affected wharves are no longer viable for their marine related employment purposes and cannot be made so at reasonable cost, or appropriate alternative provision (at a new comparable location that maintains the facilities capacity or enhances it) the loss of Robins Wharf would adversely affect the ability of the area's sustainable transport infrastructure to operate at the current and safeguarded capacity. Thus, reducing the ability of the River Thames to be utilised as a sustainable alternative to road transportation.

Kent Minerals and Waste Local Plan 2013-30 (KMWLP) (Early Partial Review 2020) and the Submitted Minerals Infrastructure Assessment (MIA)

Policy CSM 2: Supply of Land-won Minerals in Kent of the KMWLP ensures that the Plan meets the NPPF requirement of maintaining the minimum required land-bank of reserves to meet identified needs. However, as discussed above in relation to this NPPF requirement, this is no longer possible in regard to the sharp sands and gravels. Policy CSM 2 recognises this with the caveat '*while resources allow*'. The demand will, the policy goes on to state (emphasis added):

> *'…… instead be* ***met from other sources****, principally a combination of recycled and secondary aggregates,* ***landings of Marine Dredged Aggregate (MDA)****, blended materials and imports of crushed rock through wharves and railheads. The actual proportions will be decided by the market.'*

MDA and thus continuation of landings at wharves is central to the KMWLP's strategy for maintaining supply of sharp sands and gravels as the land-won sector depletes. This is now occurring as land-won reserves are (as of end of 2021) just 2.56 million tonnes (mt) for the remainder of the Plan period. This is well below the Plan requirements of 3.03mt. As these land won reserves are not being replenished, an increase in wharf use to import the aggregate will have to occur, even if demand for this aggregate remains constant, as land-won supply diminishes. The submitted MIA does not recognise this fact, and does not therefore fully understand the current and increasing importance of wharf-based importation to maintain a steady and adequate supply in the county and how the adopted development plan strategy in the KMWLP for aggregate minerals is fundamentally reliant on safeguarding and maintaining wharf capacity.

The MIA quotes from the Local Aggregate Assessment (LAA) 2021 (2020 data). This has been superseded by LAA 2022 (2021 data). In relation to the importance of wharves and their current capacity (40% headroom remaining of a total of 6.24mtpa), paragraph 7.27 states the following:

> '*It is recognised that capacity information will become increasingly important in future years, particularly in relation to wharves and rail depots. The 2017 study by the Minerals Products Association into future aggregate requirements suggests that*

nationally there could be a decrease in the demand for landwon aggregates over time. However, as the landwon resources depletes (as is currently occurring for sharp sand and gravels within Kent) and is substituted by marine-won aggregates, productive capacity of importation facilities both individually and in total will be increasingly important indicators of the resilience of supply, analogous to landbanks within the landwon sector. ***Kent still has significantly unused capacity in its*** **wharfage, as it is operating at approximately 60% capacity at the end of 2021 (leaving 40% headroom). However, loss of any wharf site will be, largely, irreplaceable and others will need to increase their throughputs. Ignoring this issue as an unimportant matter neglects the consideration of the difficulties in operating facilities at *a higher level of throughputs in a consistent manner*. *Difficulties such as shipping availability, navigation maintenance, facility repair and renewal considerations all could combine to exert stress on a wharf importation system trying to operate at a higher rate. Safeguarding of the existing wharf infrastructure will therefore remain a central requirement to maintain supply as the landwon sand and gravel sector eventually becomes irrelevant.'***

It is noted that the MIA used the 2020 statistic of the available wharf capacity headroom capacity of 46%. This has been reassessed in LAA 2022 as 40%. The MIA is not therefore based on up-to-date data. Moreover, it appears that the intensity of wharf use for MDA is increasing again towards the levels seen a decade ago after the reductions in sales in 2019 and 2020 related to Brexit uncertainty and the Covid pandemic shutdown impacts. The table below demonstrates this (data taken from LAA 2022).

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	3-year average	10-year average
Sales	2.014mt	1.743mt	1.938mt	1.874mt	1.788mt	1.773mt	1.809mt	0.608mt	1.440mt	1.644mt	1.230mt	1.663mt

The MIA, in regard to the operational capacity of Kent's wharves states:

'However, it is clear from the County Council's Local Aggregate Assessment that the wharves within Kent are operating at a level far from total productive capacity. Based upon the available records which identifies that there is circa 46% capacity within the wharfs in Kent, it is expected that the loss of the individual site capacity of Robins Wharf can be accommodated by the other safeguarded facilities within close proximity.'

The MIA's contention that there is sufficient headroom to meet future aggregate needs does not take account of the documented trend towards a need for significant increased throughputs at wharves as the land-won sharp sand and gravels deplete, even if overall demand does not change. Therefore, landwon depletion, that is occurring together with any increase in aggregate demand requires all importation capacity to be safeguarded. This strategy is fundamental to the adopted KMWLP's aggregate mineral supply approach, found sound at Independent Examination in 2016 and again in 2018.

The activity at the wharf includes the importation of marine dredged and crushed rock aggregates by two operators and a specialist highway services contractor operating a river-fed asphalt plant 'Northfleet Asphalt Plant'. This is supplied with material by the jetty located to the north-east on the safeguarded wharf. This jetty is used together for both the supply of materials for the coated material plant and as an aggregate unloading facility for both crushed rock aggregates and marine sand and gravel.

Importation of material by river is permitted on a 24 hr and a 7 day a week basis; and production of asphalt and exportation by road is similarly undertaken on a 24 hour and 7 day a week basis. On the north-western part of the Robins Wharf there is an aggregates processing facility and a ready mixed concrete batching plant. The aggregates processing facility and the ready mixed concrete batching plant operate on a 24 hour and 7 days a week basis. Heavy good vehicles (HGVs) distributing ready mixed concrete may leave the site any time during these hours, whilst HGVs carrying aggregates from the site are limited to 0700 – 1800 Mondays to Fridays and 0700 – 1300 on Saturdays.

I now turn to the MIA's argued case for overriding the presumption to safeguard, as set out in Policy CSM 6: Safeguarded Wharves and Rail Depots and Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure. Policy CSM 6 states, amongst other matters, that non-minerals development adversely affecting the operation of existing, planned or potential (wharf or rail depot) such that their capacity or viability may be compromised will not be permitted. The policy lists Robins Wharf as one of the sites the policy is applicable to. Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure states that, amongst other matters, facilities for concrete batching, the manufacture of coated materials or other concrete products are safeguarded.

The applicants have correctly had recourse to Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities in order to argue an exemption from these policies presumption to safeguard. The MIA cites exemption criteria 6 and 7 of policy DM 8 as both being applicable to justify a departure from the presumption to safeguard both the wharf site and the mineral related facilities present on the wharf site.

Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities states:

> *'Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that either:….'*

The exemption criterion 6 states:

> *6. material considerations indicate that the need for development overrides the presumption for safeguarding;…*

The applicant regards the regenerative aspects of the proposal as being of such a magnitude that criterion 6 can be invoked. It states at para. 5.12:

> *'The socio-economic assessment of the proposed scheme has identified a number of benefits arising from the scheme, which are in addition to the much needed supply of housing given the Council's undersupply and pressures within north-Kent arising from nitrate neutrality matters. The benefits of the proposed development are discussed further within the planning statement accompanying the application, but are in summary:*
>
> *• During construction, the Proposed Development is expected to generate at least:*
>
> *o 6,755 person years of employment;*
> *o …which is equivalent to an average of 846 Full Time Equivalent jobs sustained for the entire duration of the build (estimated at 8 years);*

o An additional 820 indirect and induced jobs (FTE) – created / supported within the construction supply chain and in the wider economy for the duration;
o Approx. 120 apprenticeship starts and other on-the-job training opportunities;
o £429m in Gross Value Added for the regional economy

• On completion, it is expected to generate a minimum of:

o 2,250 direct jobs across a wide range of sectors – a net increase of around 1,750 on the estimated number of jobs currently based on site;
o 925 net additional jobs for local (Gravesham) residents, taking into account leakage, displacement and multiplier effects;
o £69m per annum in additional local (Gravesham) GVA;
o £20m per annum in resident retail and leisure expenditure;
o £5.6m per annum in additional council tax receipts, plus an uplift of c. £1.1m per annum in business rates compared with existing uses;

5.13 It is anticipated that the proposed development would provide significant benefits to the area and local communities, including funding for school places, Health Service, the regeneration and improvement of public spaces and access affordable and family housing. Consequently, the benefits of the proposed development should be carefully weighed against Policy DM 8: Criterion 6.

Regardless of whether the socio-economic benefits stated in the application are realised, it can also be said that the application site in the sub-area 1.3, as delineated by the Local Plan, is not part of Key Site sub-area 1.3 and is, therefore, not appropriate for this scale of development. This is recognised by the Local Plan, as Policy CS07 Economy, Employment and Skills, (para. 5.1.37) seeks to safeguard the importation facilities that exist in this area, thus recognising that the focus for regenerative development proposals in the plan area are in the other Key Site areas not within the application site as proposed. These potential benefits will need to be verified and considered against the Borough Council's economic policies in its adopted Local Plan, alongside the adopted Kent Minerals and Waste Local Plan policies. Consideration should also be given to the consequential loss of importation facilities which may well lead to an increase of minerals being imported into the County less sustainably by road, as discussed above in relation to Local Plan Policy CS11.

The Opportunity Area as covered by CS03 delineates four Key Sites (1.3 Grove Road & Lower Ebbsfleet Area, 1.4 Old Northfleet Residential Extensions, 1.5 Northfleet Cement Works Regeneration Area and 1.8 Northfleet Embankment East Regeneration Area). Therefore, the loss of an irreplaceable wharf should be seen in this context. The annual aggregate monitoring work (LAA 2022) that the County Council is required to undertake each year, recognises the need to retain Kent's wharfs and the critical role they play in being able, to maintain a steady and adequate supply of aggregate minerals to '*provide the infrastructure, buildings, energy and goods that the country needs'* as required by national and local planning policy.

The applicant has also used out of date data to conclude that the loss of the safeguarded wharf would not incur a fundamental problem in constraining future importation of aggregate minerals. This assertion is based on old capacity headroom assessments and ignores the 'in built' need to increase importation throughputs even if overall demand for this type of aggregate mineral remains constant, as the landwon fraction of overall supply is depleting. If overall aggregate mineral demand increases, in conjunction with landwon supply depletion, then further demands on importation and thus any available capacity headroom, will occur. The irreplaceable loss of the safeguarded Robins Wharf facility will have the potential of

significantly impeding the ability of Kent to return to the 2.0mtpa or above rate of aggregate mineral importation unnecessarily. Moreover, other land, as identified and allocated as 'key sites' in the Northfleet Area of Opportunity of the adopted Gravesham Local Plan remain largely available for the type of development proposed. It is considered by the County Council that these areas should be where regenerative development should be focused, to be in accordance with the objectives of the Local Plan.

The County Council does not, therefore, agree that the applicant has demonstrated that the loss of the importation facility and the associated mineral processing and product facilities can be justified by invoking exemption criterion 6 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities of the KMWLP.

The applicant goes on to assert that exemption criterion 7 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities can also be invoked, it states:

> *7. It has been demonstrated that the capacity of the facility to be lost is not required.*

In that they regard the available importation 'headroom' capacity sufficient to offset any loss of importation as a consequence of the proposed development, they state:

> *5.15 There are a number of wharves in close proximity to Robins Wharf, listed in Table 1 of this document. In the absence of published importation and sales figures for this facility, it is not possible to determine the exact proportion of aggregate imported and its importance and individual contribution to the overall tonnage of aggregate imported via Kent's safeguarded wharves. However, it is clear from the County Council's Local Aggregate Assessment that the wharves within Kent are operating at a level far from total productive capacity. Based upon the available records which identifies that there is circa 46% capacity within the wharfs in Kent, it is expected that the loss of the individual site capacity of Robins Wharf can be accommodated by the other safeguarded facilities within close proximity.*

Again, this assertion is based on out-of-date monitoring data (available 'headroom importation capacity is regarded as 40% of current throughputs as detailed in the monitoring report LAA 2022, November 2022) and ignores the KMWLP central strategy in maintaining a '*steady and adequate supply of aggregates'* (NFFP para. 213 a)) by the increased reliance of importation as the landwon sector for sharp sand and gravel depletes through time. This is clearly set out in Policy CSM 2: Supply of Land-won Minerals (see above) and in the LAA 2022. Therefore, for the reasons expressed in relation to rejecting the applicant's arguments in attempting to invoke exemption criterion 6 above, the County Council regards the safeguarded importation capacity at Robins Wharf as integral to the KMWLP strategy to meet the NPPF's requirements. Loss of the facility not only would be, in all probability, irreplaceable, but would incur significant and needless adverse impacts on maintaining and increasing the required level of importation of aggregate minerals currently and into the future.

The County Council does not agree that the applicant has demonstrated that the loss of the importation facility and the associated mineral processing and product facilities can be justified by invoking exemption criterion 7 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities of the KMWLP. Moreover, the wharf is located in an area where high development pressure is being experienced, both in Kent and in London that is close by. The mineral importation wharf, like others in the locality, and further upstream in Greater London administrative area, make a significant contribution to both the material needs of this development and its sustainable

transport to those end uses. Loss of the facility could both impede the supply of important materials and reduce their sustainable transportation. This point is further illustrated by the recognition of the importance of wharf importation in the Annual Monitoring Report for London[1].

The London Annual Monitoring Report 2019 states that sales of primary aggregates amounted to 4.782mt, and in 2014 this was higher at 5.054mt. London consumed 9.573mt in 2019 and it is reasonable to assume that the pattern of sales and consumption remains similar in 2019-21. London is consuming far more aggregate materials than it generates by sales. Importation via wharves has been consistently increasing between 2010 to 2018 with sales in 2010 of 3.521mt and in 2018 this had risen to 5.153mt. Only marginally falling back in 2019 to 4.920mt. The importance of wharf capacity in maintaining overall supply is demonstrated in para. 4.10 which states (emphasis added):

> *4.10 Regarding wharves' capacity the GLA undertook a review of those designated in London for safeguarding. The review forecast freight traffic on the Thames and estimated wharves' capacity and concluded there is overall sufficient to meet demand until 2041. The review covered aggregates (construction materials) wharves and the picture however, for these facilities is somewhat different. Table 5 illustrates the relevant information, which suggests the capacity margin varies between different parts of the Thames and over the forecast period* ***the overall capacity margin is finely balanced. Indeed by 2031 there is a shortfall, but it does improve by 2041****. However, the latter figure is predicated on a fall in demand for construction materials. It also should be* ***noted the 2021 forecast tonnage is 75% above the AM average (10 year) sales figures,*** *which provides some flexibility. Moreover, there are some other wharves that might be readily adapted to handling construction materials****. Nevertheless, as wharves are so important to London's aggregates supply, sales and capacities need to be closely monitored by the LAWP.***

Clearly London's importation capacity is of paramount importance to meet London's needs and there is little, if any, realistic ability to increase importation if this is required. Loss of nearby wharf capacity in Northfleet could compound the fragility of this situation if need, as expressed by sales and consumption, increases again as has been seen between 2010-18.

Conclusion

The County Council, as the relevant mineral planning authority strongly objects to the proposal on the grounds that it is contrary to national and local development plan policies on safeguarding and would undermine the adopted Mineral Strategy for Kent which relies heavily upon wharves and importation facilities as land won resources are depleted. Robins Wharf is an important facility as it provides a sustainable means of importing the aggregate building materials needed to support economic growth and is well placed to serve Kent and London. The latter has a reported finely balanced aggregate mineral importation capacity (wharfage) and may well require imports from other areas (including Kent) to ensure the capital's growth is sustainably supported if it returns to the sales and consumption ratio seen in 2010 to 2018 (see para 4.10 of the London Annual Monitoring Report 2019). It also provides facilities for concrete manufacture and coated asphalt products.

The wharf and its associated mineral based product facilities can operate in a largely unconstrained manner in the locality given the planning permissions it operates to, therefore taking full advantage of the River Thames as a means of achieving sustainable transportation of the bulk raw materials with great flexibility. This in turn enhances the

[1] London Aggregates Working Party Annual Report 2019

safeguarded wharf to then provide aggregates and mineral based construction products to the immediate market efficiently. Loss of this importation facility would undermine both aggregate supply that is becoming more reliant on importation and adversely affect sustainable transport of such materials if greater reliance, through time, is placed on increased road transportation. Therefore, the proposal is contrary to the NPPF 2021 as it does not accord with the need to safeguard existing sites for the bulk transport, handling and processing of minerals, the manufacture of concrete and associated products such as coated asphalt materials.

The adopted KMWLP 2020 in turn identifies Robins Wharf as such a site with its associated facilities that require to be safeguarded to allow a steady and adequate supply of aggregate materials to support sustainable development in Kent. In light of the economic importance of wharves to the county and the delivery of a sustainable minerals strategy, there is a presumption in planning policy that these sites are safeguarded. Any development that proposes the loss of such facilities needs to robustly demonstrate that it satisfies the exemption criteria of the safeguarding policies in the KMWLP. The application asserts a number of arguments to justify an exemption, but these are not considered sufficient to set aside the presumption to safeguard.

The applicant asserts that the regenerative advantages of the proposal are of such a scale and importance in meeting the Local Plan's objectives that they override the presumption to safeguard the importation facility. The adopted Local Plan not only has policies to safeguard the sustainable transport commercial importation sites (Robins Wharf is one such facility, see Policy CS07: Economy, Employment and Skills, para. 5.1.37 and Policy CS11: Transport). Moreover, the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area delineates key sites where the focus of regenerative development of this scale would be more appropriately located. Therefore, to deliver this regenerative development would needlessly incur the loss of the safeguarded wharf and compromise sustainable transport objectives of the Local Plan. The applicant's proposal does not accord with the adopted Local Plan policies and is a departure from its spatial objectives.

With regard to the applicant's assertion that the loss of the mineral importation wharf is justified and that its capacity is not needed, it is the County Council's view that the applicant has failed to satisfy either exemption criteria 6 or 7 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities as the area of the proposal is outside the main areas identified for regeneration in the local plan. The need therefore to deliver it at the application site is not overriding (exemption criterion 6). Furthermore, the applicant has used out of date monitoring data and failed to understand the importance of maintaining all mineral importation capacity, as this underpins the whole strategy of the adopted KMWLP in providing for a steady and adequate supply of aggregate minerals, as required by the NPPF.

The applicant's assertion that sufficient available capacity to import aggregate minerals will continue to exist, even with the loss of Robins Wharf, as this will not be needed (exemption criterion 7) as sufficient unused 'headroom' importation capacity exists, is a fundamentally misguided argument. Indications are that the available capacity 'head room' will increasingly be utilised even if overall aggregate mineral demand remains static, as the Kent landwon sector for the sharp sands and gravels is rapidly depleting. Moreover, any increase in overall demand will inevitably place additional strain on all available importation capacity, both in Kent and the proximate London area, where there is little if any mineral importation capacity headroom. Wharf sites are considered generally irreplaceable once lost, therefore it remains imperative to retain all importation capacity into the future. Neither exemption criterion (6) or (7) of the relevant safeguarding policy can be said to have been satisfied by the applicant's submitted Mineral Infrastructure Assessment.

The County Council, as the relevant mineral planning authority, is willing to maintain a dialogue with Gravesham Borough Council on the matter of mineral supply and importation and the safeguarding of importation and associated mineral products facilities in order to assist the Borough Council if this would be helpful.

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Our Ref: GBC/2022/092825
Date: 28 November 2022

Application No: 20221064

Location: Land Surrounding Ebbsfleet United Football Club, Bounded By Lower Road, Railway Line, Grove Road And The River Thames, Northfleet, , Gravesend, ,

Proposal: Outline planning application with all matters reserved, except for the primary means of access and road layout, for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport/recreation/fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment and Surface Water Drainage Strategy prepared by RMA Environmental (28/09/22) and have the following comments:

We understand that the site will be split into three catchments in order to manage surface water, utilising rainwater harvesting and re-use, green roofs, attenuation tanks, permeable paving, tree pits/swales, and park areas. Surface water will then be discharged to the tidally influenced Robins Creek at the East of the site, using pumping stations at sub-catchments A and B and a gravity connection at sub-catchment C. Discharge will be restricted from all areas at greenfield or close to greenfield rates, with significant reductions compared to current brownfield rates. Surface water from those areas not modelled in the Surface Water Drainage Strategy will be conveyed to strategic attenuation tanks adjacent to pumping stations, the size of which has not yet been determined. We also note that infiltration testing has no yet been carried out and these proposals are subject to change should infiltration be found to be feasible at the site.

We have no objection in principle to these proposals outlined if infiltration is not possible.

Should the Local Planning Authority be minded to grant planning permission for the proposed development, the LLFA would request for the following conditions to be attached:

Condition:
No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason:
To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

Condition:
Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to beyond being reasonable practical then any surface water leaving site shall managed appropriately, as outlined in the Flood Risk Assessment and Surface Water Drainage Strategy prepared by RMA Environmental (28/09/22). The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason:
To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:
No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as

built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:
To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Gideon Miller
Graduate Flood Risk Officer
Flood and Water Management

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14 December 2022

Genna Henry
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Re: 20221064 - Land Surrounding Ebbsfleet United Football Club, Bounded By Lower Road, Railway Line, Grove Road And The River Thames, Northfleet, Gravesend

Outline planning application with all matters reserved, except for the primary means of access and road layout, for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport/recreation/fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.

Thank you for consulting Heritage Conservation on this application. We have also provided the same response internally to KCC.

We have set out below our comments on matters of archaeological interest and have made no detailed comments or recommendations related to designated built heritage and defer to Historic England and your Conservation Officer.

The site lies within the Ebbsfleet Valley at its junction with the Thames at the Swanscombe Peninsula, in an area of multi-period archaeological potential for evidence of human activity from the Palaeolithic to the present day. The area to the south has known remains of national importance dating from the Palaeolithic (Scheduled site NHLE 1003557). The Swanscombe Peninsula SSSI includes Pleistocene geological deposits, and Palaeolithic archaeology in the area now known as Bakers Hole (including the scheduled area), as a reason for notification. Further to the south, nationally important archaeological evidence for

Neolithic activity adjacent to the Ebbsfleet has been designated (Scheduled site NHLE 1004206).

The development site does not contain any presently designated heritage assets but is very likely to contain non-designated archaeological remains related to these nearby designated prehistoric sites as well as for other, more recent periods of human history, as a result of related geological and geomorphological characteristics associated with the course of the Ebbsfleet river as it enters the Thames Valley. Archaeological remains within the development site may include waterlogged organic artefacts, structures and palaeoenvironmental evidence, which could be of equivalent importance to the evidence existing on the above-mentioned designated sites. As well as prehistoric archaeological interest, the site has the potential for archaeological interest related to the crossing and management of the Ebbsfleet river, maritime activity and fishing, the reclamation of marshland, military and defence activities and the post-medieval and modern industrial development of the area, including the cement industry. The eastern boundary of the site is c.150m west of the scheduled Aspdin's kiln and the site has the potential for non-designated built heritage with archaeological interest related to its industrial and military heritage.

The application is supported by an Environmental Statement and three appendices of heritage information:

- Northfleet Harbourside Volume 1: Environmental Statement Main Report – Chapter 13 (Archaeology)
- Annex 1: Legislation and Policy
- Annex 2: Archaeological Desk-Based Assessment
- Annex 3: Geoarchaeological Desk-Based Assessment

These documents provide a useful desk-based assessment of the known and potential archaeological and geoarchaeological interest of the site. However, no purposive field evaluation of the site, to inform the assessment, has been undertaken, due to 'time constraints' (ES Chapter 13 initial summary table). Therefore, whilst the ES states that it '…identifies and assesses potential direct and indirect effects upon the heritage significance of known and potential archaeological receptors.' (ES 13.23), it cannot identify archaeological receptors in sufficient detail to allow an informed assessment of impacts or a subsequent planning decision to be made, especially, because as noted above, the site has the potential to contain sites with archaeological interest of potential national importance. Lack of time is not sufficient justification for not carrying out the necessary field evaluation.

The NPPF (194) is clear that the Local Planning Authority should require the developer to undertake field evaluation where the site is likely to include heritage assets with archaeological interest and especially so where there is a likelihood of below-ground archaeological remains of national importance. The NPPF goes on to state in footnote 68 to paragraph 200 that 'Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.'. Paragraph 200 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional(68).'.

In as far as they can go the archaeological and geoarchaeological desk-based assessments are a useful first stage (though we highlight some specific concerns below) and, importantly, the need for field evaluation is recognised. But the assessment documents give something of a false sense of certainty about the archaeological interest of the site, which is then carried over into the Environmental Statement and associated documents (e.g. the Planning Statement, Non-technical summary, ES volume and documents on effect interactions (ES 16) and significant effects (ES 17). It is not helpful that these documents conclude that no significant demolition and construction impacts have been identified when the understanding of the archaeological interest is so limited and yet the archaeological assessment recognises that the archaeological potential is high.

The archaeological assessment documents identify the following 'receptors' and to help explain the concerns about the present level of understanding of the archaeological resource of the site we have listed these below with the assessment text in italics followed by our KCC comments.

Post-medieval Stone Bridge Foundations
13.97 The potential foundation remains associated with the bridge would be expected to be of low heritage significance. The Proposed Development impacts within this area would involve the construction of the stadium, car parking and retail structures around the stadium, and residential areas. As such, the effects of the Proposed Development are expected to result in a high magnitude of impact upon a heritage asset of low heritage significance resulting in a direct, long-term, permanent, local, minor adverse (not significant) effect.
KCC comment
The location, character and archaeological interest of a bridge, or former bridges, at the same or another site are not known. It is therefore not possible to state that remains would be of low heritage significance. The area needs to be evaluated to understand the historic route of the Ebbsfleet river (which will have moved over time and whose last known course may have been canalised to feed a millpond) as well as the location, character, date and significance of any historic structures that would have been associated with the river such as bridges, causeways, historic routeways, sluices, water mills etc.. Surviving remains of such structures could be of regional or national importance.

Possible Mill Pond
13.98 Archaeological remains associated with the probable 19th century extension to the mill pond are predicted to be of low heritage significance. The magnitude of the impact from the demolition and construction works is expected to be high, resulting in a direct, long-term, permanent, local, minor adverse (not significant) effect.
KCC comment
The location, character, date and archaeological interest of a millpond and any associated structures, within the site is not known with any certainty. It is therefore not possible to state that remains would be of low heritage significance. Domesday Book mentions a mill at Northfleet and potentially the same mill is referred to in documents of the 15th century, and the relationship to the surviving remains of a mill pond, comprising a brick-lined tank through which the Ebbsfleet river still flows, remains uncertain. The mill pond is thought to have served a tidal mill of possibly late-18th century date but potentially with medieval origins. Any such remains would be of regional or national importance. The area needs to be evaluated to understand the potential and significance, potential impacts and options for mitigation.

Windmill
13.99 A windmill is recorded on the 19th century historic mapping within the central northern part of the site. Any remains of the windmill would be expected to be of low heritage significance. This part of the site is proposed as part of the area of public open space in the

northern part of the site, which may involve some landscaping activities. The magnitude of the impact of landscaping upon a heritage asset of low significance would be high. This would result in a direct, long-term, permanent, local, minor adverse (not significant) effect.

KCC comment

The location, character and archaeological interest of any remains of the former corn mill and other former buildings recorded on historic mapping in this area are not known. It is therefore not possible to state with any certainty that remains would be of low heritage significance. The relevant areas will need to be evaluated to understand the potential and significance.

Cement Works

13.100 The eastern part of the site has potential for archaeological remains associated with the Cement Works. Remains of the Cement works (structural remains of kilns, associated buildings and tunnel networks) would be considered to be of medium heritage significance. This part of the site is proposed for residential development and landscaping. Activities associated with construction such as excavation/piling for foundations, excavation for utilities and roads as well as excavation and earth movement for landscaping have the potential to result in direct effects to archaeological remains in this area. As such the magnitude of the impact is expected to be a high. The result of a high impact upon a receptor of medium heritage significance would result in a direct, long term, permanent, local, moderate adverse (significant) effect.

KCC comment

We welcome the recognition of the potential significance of archaeological remains associated with the cement industry but recent archaeological work by Wessex Archaeology at the former Bevans cement works to the east of this site, has recorded industrial remains of regional or national importance. In the absence of a more detailed assessment of the industrial potential of the site, it would be safer to assume at this desk-based assessment stage that archaeological remains could be considered to be of medium to high heritage significance and we recommend that areas where potential archaeological remains might be expected to survive should be subject to trial trenching field evaluation at the earliest opportunity followed by a more detailed assessment and interpretation of the site, ideally by an expert on industrial heritage and the cement industry.

13.101 *Infrastructure associated with the cement industry such as wharves, tramlines and quarry pits may also exist within the site as indicated on the historic mapping, these would be expected to be of low heritage significance. The magnitude of the impact from the demolition and construction works is expected to be high, resulting in a direct, long-term, permanent, local, minor adverse (not significant) effect.*

KCC comment

As noted above, the recent archaeological work in Northfleet by Wessex Archaeology has demonstrated that industrial remains of regional and national importance can survive. Any such remains of the cement industry at this site should be seen within the wider context of the development of the cement industry in north Kent and it would be safer to assume at this desk-based assessment stage that archaeological remains could be of medium to high heritage significance. One reason for this is that we are learning that archaeological evidence adds significantly to, and can challenge, assumptions about the development of the cement industry (and other pre-cement industry uses of the site) based on documentary evidence.

Unknown Archaeology

13.102 As the site has not been previously investigated the assessment has found there to be potential for archaeological remains that are as yet unknown to be discovered within the site. As the nature, survival and extent of these features is unknown, the heritage

significance of these assets remains unknown. The magnitude of the demolition and construction impacts would be high but as the heritage significance of the heritage assets is unknown, the significance of the effect cannot be determined.

KCC comment

We welcome this recognition of the potential for presently unknown archaeological remains to exist at the site but the ES should, based on the evidence presented in the assessments, recognise that archaeological remains (particularly those that are waterlogged – see for example ES Table 13.5) could be of regional or national importance. It is the potential for waterlogged deposits to contain archaeological artefacts and structures which is of critical archaeological importance and we disagree with the conclusion in the ES (13.104) that if the deposits area widespread then changes to hydrology would lead to an effect that would not be significant. If a change to hydrology were to alter the conditions of a buried and waterlogged timber platform, boat or mill, for example, then the effect would be very significant. The site should therefore be subject to field evaluation to allow the EIA process to be appropriately followed.

The geoarchaeological assessment presents an initial model of character zones based largely on data from outside the site. We consider that even at this desk-based assessment stage, these character areas could be refined further to define areas of archaeological potential related to the late Pleistocene and Holocene development of the Ebbsfleet valley. More refined character areas with appropriate research questions, should then be subject to field evaluation. Period based characterisation for the Mesolithic to Medieval periods should be undertaken and areas where there is high potential for nationally important Mesolithic, Neolithic and later remains should be identified. A fundamental geoarchaeological research question, with significant archaeological implications, is the understanding of former courses of the Ebbsfleet river channel over time and the location and extent of former dryland/wetland interfaces. Recent higher level characterisation and deposit modelling of the area which has been undertaken for the EDC Urban Archaeological Database and Characterisation should be included and referred to where relevant. This characterisation has prepared helpful preliminary models of the earlier courses of Ebbsfleet which should be included and added to as part of this work as appropriate.

The site comprises an area of historic clay pits, in which area evidence for Palaeolithic material has been identified and where there will have been potentially widespread impacts to any below-ground archaeological remains. Feld evaluation is required to understand the exact depth and extent of the historic quarrying and to determine what archaeological potential survives below as well as at, and beyond the margins of the former quarry.

Recommendations

Our recommendations are that pre-determination, further characterisation is required with field evaluation to provide a more robust approach to understanding the archaeological interest of the site, the significance of any archaeological remains and to allow informed decisions about impacts and appropriate mitigation to be made. At present we consider that there is not enough evidence to clearly understand and assess the potential impacts of the development on archaeological remains and particularly those that are waterlogged. Baseline monitoring for the hydrological environment of the site is required to allow a model to be developed which can then be considered in relation to development proposals and so that appropriate mitigation by design and/or remedial works can be agreed upon.

We recommend the following field evaluation methods are employed to develop the deposit and archaeological models for the site:

1. Geophysical survey such as Electromagnetic survey, to understand in more detail the underlying geo-archaeological deposits including for deposits with Palaeolithic

potential and those associated with the evolution of the Ebbsfleet and its location within the valley and confluence with the Thames and how these have changed over time.

2. Geo-archaeological boreholes and test pits combined where appropriate, with trial trenching across the site to ground-truth and enhance a deposit model based on the geophysical survey and existing extrapolated borehole data. Samples from the boreholes would be used to understand the paleaoenvironmental potential, hydrology, state of preservation of organic waterlogged remains, the likely location for human activity, and to provide dates to develop a chronology for the sequences at the site. The combined assessment and evaluation data should then be used to create landscape environmental models for each chronological period with research questions as part of the process of a consideration of impact mitigation options.

If there is a programme of Ground/Site Investigation works undertaken before a planning decision is made, then these works should be subject to a geo-archaeological watching brief, integrated with the above-recommended field evaluation works.

We would like to see a draft Heritage Management Plan (HMP) for the site included in the submission documents. An HMP should include a commitment to ensuring that interpretation and information for outreach is developed within the context of other approaches across the Dartford, Gravesham and EDC areas to ensure information is coordinated and complementary. The HMP must include a commitment to a wide range of outreach and interpretation which should commence immediately following any planning consent. We would like to see detail on options for including heritage interpretation in public realm features and public art. We would like to see detail on a commitment to appropriate storage of archaeological archives resulting from the project with a funding contribution for storage and box charges. A S106 agreement for the site should include provision for heritage interpretation and long-term storage of and access to the physical archaeological archive.

In conclusion, we recommend that for an informed planning decision to be made, further work is undertaken to address the comments above, including to model the extent of Holocene, as well as Palaeolithic archaeological potential in more detail using purposive field evaluation (geophysical survey, boreholes, test pits and trial trenching) and to develop research questions for each period and character area. We would be happy to discuss how this could be achieved in detail with the applicant and their consultants.

We stress that the site has the potential to contain non-designated archaeological remains that may be of national importance and would therefore be subject to the relevant paragraphs in the National Planning Policy Framework (NPPF, paras 194, 195 and 202) for designated heritage. More work is needed to define the potential for these areas, which will then have to be tested by field evaluation in order that the character, date, extent and state of preservation can be understood and development impacts avoided or minimised. The tendency of the assessment and ES to consider field evaluation as mitigation should be avoided.

If it is impossible to undertake any pre-determination field evaluation then we would wish to make recommendations for planning conditions to secure the field evaluation and subsequent design-refinements that would be required to ensure avoidance and minimisation of impacts to archaeological remains. In the event that you are minded to grant outline planning permission we would be grateful if you could discuss appropriate conditions with us before issuing the decision notice. Our preference is for further assessment and field evaluation to be undertaken prior to determination but if that is not possible, we recommend that the following planning conditions be applied to any forthcoming consent:

AR1: No demolition/development shall commence until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological work (including further archaeological characterisation and field evaluation as a first stage). The programme of archaeological works will comprise:

A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological characterisation and field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development; b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same; c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

AR2: Prior to any Reserved Matters Application the applicant, or their agents or successors in title will submit for approval in writing by the Local Planning Authority a Written Specification and timetable for the preservation in situ of important archaeological remains and/or for further archaeological investigation.

Reason: To ensure that adverse impacts to features of archaeological interest are appropriately mitigated according to their significance and so that the archaeological heritage of the site can fully inform design.

AR3: No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including

provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by* the *Local Planning Authority. The archaeological site investigation, post-investigation assessment, final publication and archive deposition will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition AR2.

Reason: To ensure appropriate assessment, analysis, reporting and dissemination of the results of the programme of archaeological work and the deposition of the project archive.

Future Reserved Matters Applications will be in accordance with the parameter plans, save for where any changes are required to address or incorporate findings of the archaeological investigations, including those undertaken under AR1 or AR2.

Reason: In order that the detailed design has full regard to archaeology that might be found post-outline approval.

No demolition/development shall commence until the applicant, or their agents or successors in title has submitted and had approved in writing by the Local Planning Authority an updated Heritage Management Plan which will include a commitment to the principle that future archaeological site investigations will inform the detailed design and layout of the scheme and measures to ensure preservation of important archaeological remains.

Future Reserved Matters Applications will be accompanied by an updated Heritage Management Plan to explain how site archaeological conditions and further field evaluation has informed the final scheme design, including preservation, mitigation and interpretation.

We would be pleased to discuss any of the above further and would suggest that we meet with the applicants' specialists to discuss the further work required in more detail.

Yours sincerely.

Casper Johnson
Senior Archaeological Officer
Heritage Conservation

ECOLOGICAL ADVICE SERVICE

TO: ***Genna Henry***

FROM: ***Helen Forster***

DATE: ***07 December 2022***

SUBJECT: ***Land Surrounding Ebbsfleet United Football Club, Northfleet 20221064***

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.

We have reviewed the ecological information submitted with this application and advise that additional information is required prior to determination.

We require the following documents to be submitted:

- Phase 1 map of the site – the map in the Environmental Statement document is difficult to review
- Illustrative plan of the proposed development - the map in the Biodiversity Net Gain Assessment is difficult to review
- BNG excel metric to assess if we agree with the conclusion the proposal will result in a 352% BNG habitats and 75% BNG of hedgerows.
- Detailed assessment of the impact the proposal will have on the adjacent SSSI and LWS
- Clarification on why the application are satisfied the breeding bird surveys are accurate.
- Results of the current wintering bird surveys

Swanscombe Peninsula SSSI and Botany Marshes Local Wildlife Site
The proposed development is directly adjacent to the Swanscombe Peninsula SSSI and Botany Marshes Local Wildlife Site. We advise that the information is insufficient to assess the impact

the proposal will have on the designated sites and the species associated with the designated sites.

The Parameter plan and the illustrative plan indicates that there will be buildings and infrastructure directly adjacent to the designated sites which are likely to result in a negative impact on the designated sites. The submitted information refers to the mitigation hierarchy and the first point is avoidance. To demonstrate that the application is following the mitigation hierarchy we recommend that areas of open space/planting is carried out within the area adjacent to the designated sites and it is not developed with housing/buildings. The increase in planting/open space would reduce the direct impact on the designated sites.

The information submitted with the planning application is not sufficient to fully understand the impacts from noise, lighting, overshadow and recreational pressure from the proposed development.

We advise that additional information assessing the impact the proposal will have on the designated sites. We recommend that the ecological information submitted for the (now withdrawn) DCO London Resort application is utilised to support the assessment.

Birds

Wintering birds

The submitted information has detailed that a wintering bird survey will be carried out in 2022 and therefore we presume it is on going. We advise that the results of the wintering bird survey are submitted to ensure that the impact on wintering birds is fully understood. We highlight that the results of the wintering birds survey may require amendments to proposed layout.

The (now withdrawn) DCO London Resort application detailed that the Swanscombe Peninsula provided functionally linked land for birds associated with the Thames Estuary & Marshes SPA and Ramsar. Therefore we highlight there is a need to consider if the mudflats support species associated with the designated sites.

We will provide further information on whether a shadow habitat regulations assessment is required once we have reviewed the wintering bird surveys.

Breeding Birds

The breeding bird surveys were only carried out in July this year. Typically breeding bird surveys are carried out in April, May and June and therefore it is possible that larger number of birds utilise the site than were recorded during the breeding bird survey. We advise that we require clarification on why the applicants are satisfied that the surveys are sufficient.

Additional Documents

The phase 1 map and the illustrative landscape master plan have only been provided as inserts in the Biodiversity Net Gain Assessment and difficult to review. Therefore we advise that we require readable versions of these documents.

We will be able to provide more detailed comments (if required) on whether additional information on other species (not discussed within this letter) or other matters are required once we have received larger versions of those plans

We require the BNG excel metric to be submitted to enable us to consider if we agree with the conclusions of an anticipated BNG of 352% habitats and 75% of hedgerows. We understand that the site is largely hard standing but considering the high levels of anticipated recreational use we do query how that can be achieved.

If you have any queries regarding our comments, please do not hesitate to get in touch.

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:
ES CH14 Ecology and Biodiversity; Trium
ES Appendix Ecology and Biodiversity; Trium

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Growth and Communities

Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Phone: 03000 415673
Ask for: Alessandra Sartori
Email: Alessandra.Sartori@kent.gov.uk

30 January 2023

Pembury Neighbourhood Plan
Planning Policy
Planning Services
Tunbridge Wells Borough Council
Town Hall
Royal Tunbridge Wells
Kent TN1 1RS

BY EMAIL ONLY

Dear Sir / Madam,

Re: Pembury Neighbourhood Plan (2020-2038) - Regulation 16 Consultation

Thank you for consulting Kent County Council (KCC) on the Pembury 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. The County Council appreciates the opportunity to comment on the Neighbourhood Plan and is generally in support of the policies laid out within the document.

2. About Pembury

Public Rights of Way (PRoW): The County Council considers that the Neighbourhood Plan could go further in recognising the value of connections between local communities. Off-road improvements, such as those shown in Figures 9.2 and 9.3, will enhance access around Pembury, the parish's principal settlement; however, improvements should also be considered to connect with local settlements and to larger communities such as Matfield, Paddock Wood and as far as Tonbridge. The Neighbourhood Plan also recognises that access to nearby settlements is a 'challenge' (paragraph 2.13). Working jointly with neighbouring parish councils will therefore benefit Pembury residents by providing better access opportunities. Moreover, working actively with neighbouring councils who similarly can secure funding, and then pooling resources, should increase the likelihood of delivering such improvements.

3. Vision and Objectives

PRoW: The Neighbourhood Plan's Vision and Objectives allow considerable opportunity for maintaining and enhancing the local PRoW network and therefore make a significant contribution in delivering the Neighbourhood Plan's overall aims. The Neighbourhood Plan proposes a positive role for PRoW to help shape the parish in the years ahead, such as ensuring (together with the adoption of the Tunbridge Wells Borough Council Local Plan) new development connects to and enhances the local PRoW network (paragraph 4.3, bullet 7); identifying where improvements can be made to support sustainable active travel routes (Figures 9.2 and 9.3); and with a series of Non-Policy Actions (Section 13).

KCC notes that the Neighbourhood Plan recognises the need for the local community to work with various partners to achieve the Neighbourhood Plan's ambitions, including the County and Borough Council. The County Council strongly encourages partnership working between Pembury Parish Council and KCC regarding changes around the PRoW network, and would encourage the Neighbourhood Plan to specifically state this. This will ensure consistency both with standards around the county PRoW network and the various applicable statutory procedures, such as when upgrading the status of a Public Footpath to Public Bridleway to establish public access rights for cyclists and horse riders. It will also ensure consistent advice and working can be delivered to neighbouring councils.

5. Housing

Policy P5: Sewerage and Drainage Infrastructure

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, recognises that consideration is not given to brownfield development sites in Policy P5. It is advised that the Parish Council reviews the KCC Drainage and Planning Policy document (Appendix A), particularly Policy 2, which gives guidance on acceptable run off rates to use for brownfield development and to therefore reflect these requirements within the Neighbourhood Plan.

It is also recommended that reference is made to the County Council's pre-application service, and the Neighbourhood Plan includes encouragement for it to be used alongside that of the water authority, as per page 33 of the document.

6. Character, Heritage and Design

Policy P6: Conserving Heritage Assets

Heritage Conservation: In respect of point A, the correct name for the record of heritage assets is the Historic Environment Record (HER) and the link should go to www.kent.gov.uk/HER. The Heritage Gateway is a portal that presents data from the Kent HER. The County Council is pleased that this paragraph reflects that not all heritage assets are identified in paragraph 6.30 and remain to be identified.

In respect of point C, where development proposals have the potential to impact on archaeological remains, KCC advises that a full archaeological desk-based assessment and potentially archaeological fieldwork is needed, rather than just a Heritage Statement. The assessments should be carried out by fully qualified specialists and it is recommended that this is included within the policy.

8. Environment and Green Space

Biodiversity opportunity areas within Pembury

Biodiversity: The County Council recognises that the Neighbourhood Plan refers to the Biodiversity Opportunity Area (BOA) boundaries. KCC would highlight that, following the production of the Local Nature Recovery Strategy, BOAs may no longer exist. This is because they may be absorbed into the Local Nature Recovery Strategies and the BOAs could be made obsolete. It is therefore recommended that the Parish Council replaces this reference to include the Local Nature Recovery Strategy.

9. Transport and Movement

Highways and Transportation: The County Council, as Local Highway Authority, is pleased to note that the policies in the Neighbourhood Plan accord with those in the Tunbridge Wells submitted Local Plan and support active travel, which is a key policy for KCC.

PRoW: As a general statement, the County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve PRoW in the county. KCC is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the KCC Rights of Way Improvement Plan (ROWIP) and the Framing Kent's Future strategy (2022-2026). KCC intends for people to enjoy, amongst others, a high quality of life with opportunities for an active and healthy lifestyle, improved environments for people and wildlife, and the availability of sustainable transport choices.

KCC notes that 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 Plan and much more. For example, the PRoW network can enhance community connectivity and cohesion; improve local environments by reducing local traffic congestion and improving air quality; support personal health and well-being of individuals and groups; and support local economies, whether in providing passing trade such as with a cafe, or larger supply businesses as with cycle or equestrian users. PRoW should therefore be given positive regard in this Plan.

KCC recognises that the Neighbourhood Plan does not refer to the KCC ROWIP, a statutory strategic document, and would strongly recommend that reference is made variously within the Neighbourhood Plan. This will assist successful partnership working, deliver

improvements to the PRoW network in the town, and help avoid loss of access to funding opportunities.

Policy P13: Improving walking, cycling and equestrian opportunities

PRoW: The County Council welcomes Policy P13, however, would encourage point E to refer to PRoW in general rather than bridleways specifically. By stating that existing PRoW must be retained, the Neighbourhood Plan will support KCC's statutory duty and it would not exclude future enhancements if new Public Footpaths were to be proposed.

The Neighbourhood Plan has recognised that future funding is necessary to deliver access projects (paragraph 9.4); however, KCC considers that the detailing where funding may be sourced is vague. Funds collected from future development would typically be used to deliver priority projects across the Borough listed within an Infrastructure Delivery Plan (IDP). The Parish Council is encouraged to promote local access improvements, such as those shown in Figures 9.2 and 9.3, and to compile an on-going list of other schemes across the parish. These could be included in an expanded Item 11 within Section 13, so that they are considered for delivery as part of a future IDP.

The compilation of an on-going list of access schemes by the Parish Council will allow residents to continually suggest additions to a projects list and KCC would recommend that this is kept under constant review. Sharing this list routinely thereafter with Tunbridge Wells Borough Council and the County Council will, in the event development comes forward, greatly assist in understanding the needs of the communities when allocating funding and priority. Having a list of potential projects readily available will therefore allow the Parish Council to readily seize opportunities and deliver for the benefit of local communities.

KCC would suggest the following additional possible schemes:

i. Upgrade of status to Public Bridleway of the Public Footpath from Pembury village, over the A21 along Chalket Lane to the parish boundary, where it meets Tunbridge Wells Public Bridleway WB43 - this would establish a largely off-road cycling route between Pembury and Tunbridge Wells;
ii. Upgrade of status to Public Bridleway of Public Footpath WT231 that is recorded on the village's western settlement boundary and proposed in part to be improved for horse riders (Figure 9.2, point B). Were the path upgraded from the High Street close to its junction with the A228 through to the northern point of Church Road, it would connect to an existing bridge carrying Public Bridleway users over the A228, so enabling access to the quieter lanes and Public Bridleways north of the A228;
iii. Improving the crossing of the A228 close to Hawkwell Farm to better connect Public Bridleway WT248 with Public Footpath WT208 would be valuable for walkers seeking access to the northern part of the parish and beyond;
iv. The Parish Council could actively create a volunteer group focusing on managing aspects of the local PRoW network, thereby providing opportunities for social interaction, physical activity, a positive public profile, and more. The Neighbourhood Plan already proposes undertaking an audit of footpaths in the parish (it would be expected the audit extends to Public Bridleways also) but a local volunteer group might wish to undertake a programme of minor works, such

as surfacing of paths. If this possibly has local support, the Parish Council is encouraged to discuss with the County Council how to develop a group and programme.

10. Community Facilities

Policy P15: Improving Opportunities for Community and Cultural Facilities, Sport and Recreation

Sport and Recreation: In respect of paragraph 10.3, the County Council would advise the consideration of the following guidance 'Make Space for Us - Women In Sport' for the provision of facilities aimed at teenagers.

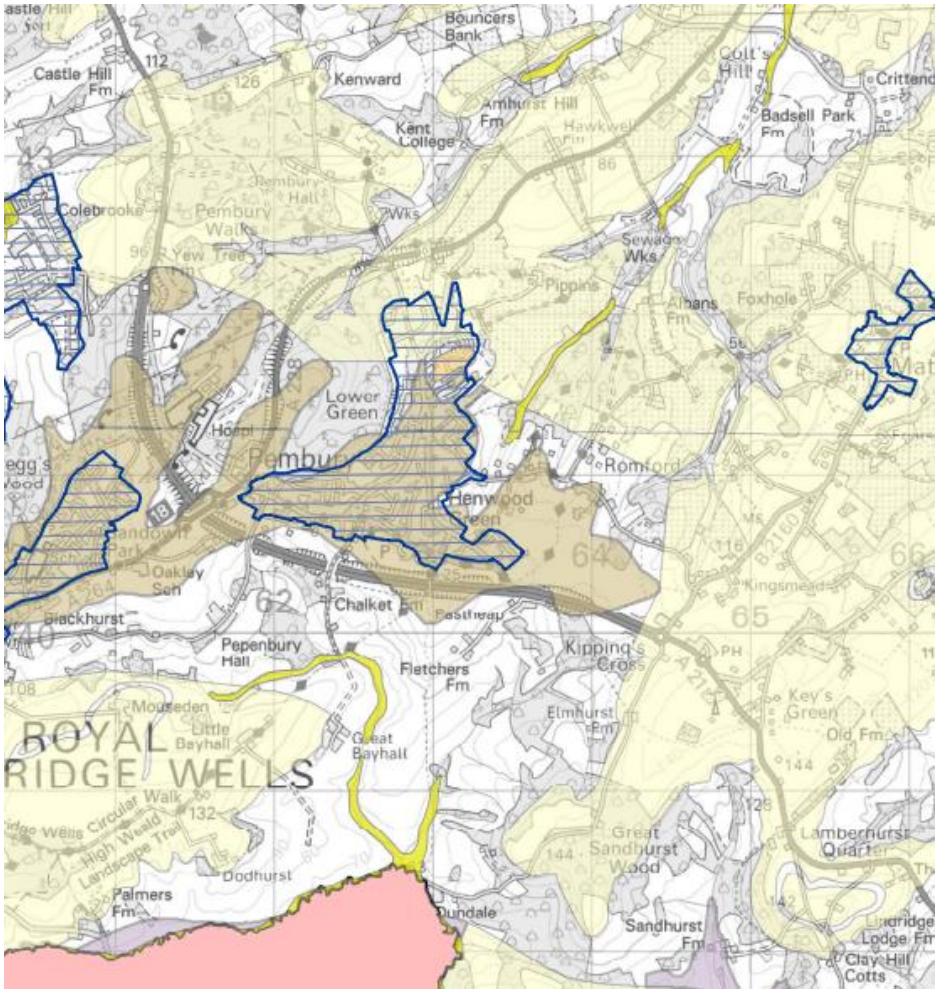
The County Council would also highlight that potential funding and support for the provision of improved and additional sports pitches is available via Kent FA, by contacting Adrian Ainsley[1].

General Comments:

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, can confirm that the area of the Neighbourhood Plan is coincident with safeguarded land-won mineral deposits. These are the superficial sand and gravel deposits (River Terrace and Sub-Alluvial River Terrace deposits), although these are marginal in their occurrence. The more significant mineral deposit is the solid crustal unites of the sandstone (Ardingly and Tunbridge Wells Sand Formation) units that are present. These sandstones are extensive, massive geological units that occur across the Tunbridge Wells Borough area, and have historically been used for construction block production. The supply of this material now largely occurs from quarries in East Sussex; KCC notes that extraction in Kent has ceased in recent times.

These safeguarded mineral deposits are shown on the extract from the Tunbridge Wells Borough Council Mineral Safeguarding Area Proposals Map of the Kent Minerals and Waste Local Plan (LMWLP) (2013-2030) (Early Partial Review) (2020) below:

[1] Aidan.Ainsley@kentfa.com



The Neighbourhood Plan acknowledges that the Development Plan for the area includes the KMWLP. As the Neighbourhood Plan does not propose any development sites that would require Mineral Assessments, KCC has no management capacity safeguarding objections.

The County Council notes that there are no substantive waste management or minerals handling and processing safeguarded infrastructure in the area of the Neighbourhood Plan.

15. Glossary

PRoW: The County Council welcomes the various references to 'Rights of Way' and recommends that the Neighbourhood Plan's Glossary includes a definition, in order for all readers have the same understanding. KCC would advise the definition used in Section 9 of this response.

It is also recommended that the Neighbourhood Plan's Glossary is revised to include a definition of active travel. This will ensure that the various references are consistently interpreted and that designers of future developments and Tunbridge Wells Borough Council give it due weight in preparing and determining future planning applications. The County Council would encourage the definition used in the KCC Active Travel Strategy.

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 faithfully,

Stephanie Holt-Castle
Director for Growth and Communities

Encs:
Appendix A: Kent County Council Drainage and Planning Policy Document

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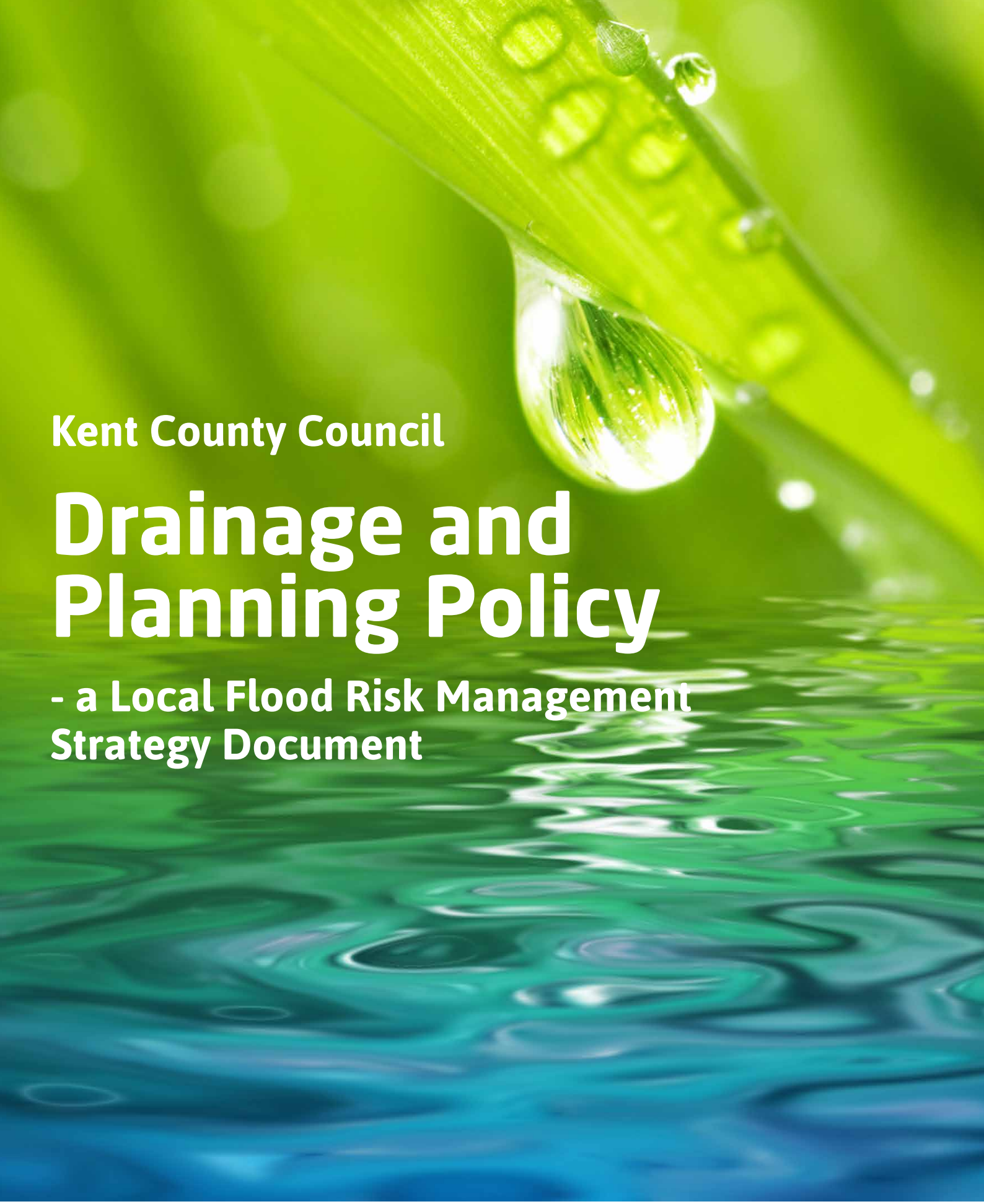

Kent County Council

Drainage and Planning Policy

- a Local Flood Risk Management Strategy Document

December 2019

Kent County Council
kent.gov.uk

Table of contents

Date	Revisions details
October 2016	Clarification on technical matters; submission summary form.; pre-application advice; post-construction verification reports; standard advice.
June 2017	Further clarification of technical matters and amendments to general wording including revised M5-60, 50% reduction for brownfield sites, runoff control per soil type, discharge to highway systems, off-site drainage improvements and developer contributions.
November 2019	Clarification of drainage submission requirements and revised drainage policies to reflect latest changes in NPPF and include the requirements for a verification report and any changes as a result of consultation.

The overall policy will be assessed biennially and reviewed when National policy or other relevant policy changes occur.

1 Role of this Policy

This policy sets out how Kent County Council (KCC), as Lead Local Flood Authority (LLFA) and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development. It is consistent with the Non-Statutory Technical Standards for Sustainable Drainage (as published by Defra in March 2015) and sets out the policy requirements KCC has for sustainable drainage. It should be read in conjunction with any other policies that promote sustainable drainage, specifically:

- the National Planning Policy Framework and,
- any specific policy set out by the relevant Local Planning Authority

This policy is also supported by KCC guidance and policy provided in:

- Kent Design Guide Technical appendices ('Making It Happen') 2019;
- Water. People. Places - a guide for Masterplanning sustainable drainage in developments;
- KCC Land Drainage Policy

The aim of this policy document is to clarify and reinforce these requirements. It also includes references to other design considerations which impact sustainable drainage design and delivery.

This policy should be used by:

- developers when considering their approach to the development of new sites or redevelopment of brownfield sites;
- developers or their consultants when preparing submissions to support a planning application for major development;
- professionals involved in developing drainage schemes including engineering and urban and landscape professionals;
- development management officers when considering development applications,
- Local Authorities when developing local planning and land-use policy.

With this current update, we seek to ensure that multifunctionality of open space is now emphasised within development master planning. This provides an opportunity for Kent to look to wider benefits of sustainable drainage and strengthen policies for the delivery of drainage systems which are fully sustainable, thus providing quantity control, quality improvement, biodiversity enhancement and amenity. Changes to the National Planning Policy Framework (NPPF) in 2019 and Defra's 25-Year Environmental Plan[1] promote a robust approach to sustainable development.

[1]25-year Environment Plan, published January 2018 on www.gov.uk/government/publications/25-year-environment-plan

2 Introduction

2.1 Background

KCC was made a LLFA for Kent by the Flood and Water Management Act 2010 (the Act). As LLFA, KCC has a strategic overview of 'local flooding'. Local flooding is defined by the Act as flooding which is caused by:

- Surface water,
- Groundwater,
- Ordinary Watercourses

The management of surface water within new development is a key factor in managing local flooding.

Since commencement of the Act in 2010, the Government has assessed various means of promoting sustainable drainage systems. In April 2015, LLFAs were made statutory consultees in planning for surface water. Our understanding of local drainage and local flood risk presents a strong platform from which to provide advice and guidance to Local Planning Authorities on the management of surface water.

In undertaking this role KCC coordinates with the 12 local authorities as well as Kent's own planning department and the Ebbsfleet Development Corporation. Where appropriate we will also liaise with other relevant flood risk management authorities, such as the Environment Agency, sewerage undertakers and the county's Internal Drainage Boards (IDB).

2.2 Legislative Framework

As a LLFA within Kent, KCC is required under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('the Development Management Procedure Order') to provide consultation response on the surface water drainage provisions associated with major development.

Major development is defined within the Development Management Procedure Order as development that involves any one or more of the following:

(a) the winning and working of minerals or the use of land for mineral-working deposits;
(b) waste development;
(c) the provision of dwelling houses where:
    (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 and it is not known whether the development falls within sub-paragraph (c)(i);
(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
(e) development carried out on a site having an area of 1 hectare or more.

As a statutory consultee, KCC must provide a substantive response within 21 days of consultation (Article 22 of the Development Management Procedure Order). A substantive response is one which:

(a) states that the consultee has no comment to make;
(b) states that, on the basis of the information available, the consultee is content with the development proposed;
(c) refers the consultor to current standing advice by the consultee on the subject of the consultation; or
(d) provides advice to the consultor.

The Planning and Compulsory Purchase Act 2004 describes the duty to respond as a consultee, including the duty to report to the Secretary of State on compliance with the provision of substantive responses.

The Town and Country Planning (General Development Procedure Amendment No. 2, England) Order 2006 introduces the concept of Critical Drainage Areas as *"an area within Flood Zone 1 which has critical drainage problems and which has been notified [to] the local planning authority by the Environment Agency".* However, no Critical Drainage Areas have yet been defined within Kent and will not require further consultation.

2.3 Sustainable Drainage in Planning

Sustainable drainage systems are designed to control surface water as close to its source as possible. Wherever possible they should also aim to closely mimic the natural, pre-development drainage across a site. A well-designed sustainable drainage approach also provides opportunities to:

- reduce the causes and impacts of flooding;
- remove pollutants from urban run-off at source;
- combine water management with green space with benefits for amenity, recreation and wildlife.

The purpose of the planning system is to contribute to the achievement of sustainable development and deliver the requirements of the National Planning Policy Framework (NPPF). The use of sustainable drainage systems helps to achieve the sustainability objectives of the NPPF.

2.4 Design Strategies

Development has the potential to change surface water and ground water flows, depending upon how the surface water is managed within the development proposed. Planning applications for major development should therefore be accompanied by a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with KCC's sustainable drainage policies, as outlined within this document.

The drainage strategy must also demonstrate that the proposed surface water management proposal is consistent and integrated with any other appropriate planning policy and flood risk management measures that are required.

2.5 Strategic Consultation

As a LLFA, KCC has a consultation role in relation to the preparation of local plans, neighbourhood plans, strategic flood risk assessments and other planning instruments produced by Local Planning Authorities[2].

KCC will provide advice and guidance on local flood risks and appropriate policy for any area upon request.

KCC will also provide information to individuals and other organisations with respect to drainage and local flood risk for use in the preparation of other relevant planning documents upon request.

[2] National Planning Policy Guidance, Flood Risk and Coastal Change, paragraph 2.

3 Planning policy and guidance for drainage

This section sets out the sources of planning policy relevant to the management of surface water. These policies will form the basis of KCCs assessment of any submitted drainage strategy. The drainage strategy will need to demonstrate how the development meets these requirements.

3.1 NPPF

The National Planning Policy Framework (NPPF) was published on 27 March 2012 with further revisions in 2019; it sets out the Government's planning policies for England and outlines how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the relevant Local Planning Authority's development plan, following public consultation and with due regard for other material considerations.

The NPPF is a material consideration in the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development, excepting where adverse impacts significantly outweigh the benefits (or where specific policies indicate that development should be restricted). Flooding and drainage may also be considered material considerations in the determination of planning applications as their management contributes to sustainable development.

Paragraphs 155, 157, 163, 165 and 170 of the NPPF (Appendix A) have particular relevance to flooding and drainage. These paragraphs include consideration for area of flood risk, incorporation of sustainable drainage systems, taking account of advice from LLFA, operational standards, maintenance requirements and multifunctionality.

The NPPF is supported by the **Planning Practice Guidance**[3] which provides further advice on how planning can take account of the risks associated with flooding in plan-making and the application process.

3.2 Water Environment Regulations 2003

The Water Environment Regulations 2003 make provision for the purpose of implementing in river basin districts the Water Framework Directive (Directive 2000/60/EC of the European Parliament) which established a framework for Community action in the field of water policy. These regulations will remain in place until such time that UK law is revised to reflect changes in EU membership. These Regulations require a new strategic planning process to be established for the purposes of managing, protecting and improving the quality of water resources[4].

Therefore, this provides an opportunity to plan and deliver a better water environment, focusing on ecology. The WFD aimed for the water environment to reach 'good' chemical and ecological status in inland and coastal waters by 2015. Planning and programmes are continuing in six year cycles until 2027.

The WFD drives water quality improvement planning along total river catchment areas, with the production of River Basin Management Plans. The directive puts a duty on public bodies to have regard to river basin management plans (and associated supplementary plans) when exercising their functions where it may affect a river basin district.

Controlling water is inherent in the WFD's objectives, as uncontrolled surface flow or flooding can cause unmanageable water quality problems. Sustainable drainage principles are key to meeting the objectives of the WFD in its continuing cycles.

3.3 Habitats Regulation 2017

The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive[5]), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales.

The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

The sites where habitats and species are legally protected due to their exceptional importance are known as Natura 2000 sites; this network protects rare, endangered or vulnerable habitats and species. The Natura 2000 network includes Special Areas of Conservation (SACs, identified under the Habitats Directive), Special Protection Areas (SPAs, identified under the Birds Directive) and Ramsar sites (wetlands of international importance designated under the Ramsar Convention). All Natura 2000, or 'European', sites are also classified as Sites of Special Scientific Interest (SSSIs) but not all SSSIs are Natura 2000 sites.

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[3] The Planning Practice Guidance is a web-based resources which can be accessed from the Planning Portal at: http://planningguidance.planningportal.gov.uk/?s=Drainage&post_type=guidance

[4] This framework became UK law in December 2003

[5] More information on the Habitats Directive can be found at: http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

3.4 Defra's 25-Year Environment Plan

The 25 Year Environment Plan was published in January 2018; it sets out government action to tackle the growing problems we face in the environment and aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species, reduce risk of environmental hazards and promote sustainable development.

The plan is supported by the concept of natural capital, meaning it places value on natural assets, which includes geology, soils, water and all living organisms. Specific components of the Environment Plan are introduced in current updates of the NPPF.

The Environment Plan will need to be underpinned by law and enforced by a new legal framework for the environment to replace the system the EU currently provides. It is beneficial to be aware of the changes in legislation and policy indicated in this plan as it provides government direction to sustainable development.

3.5 Non-statutory technical standards for sustainable drainage

To support the LLFAs statutory consultee role, Defra published the 'Non-Statutory Technical Standards for Sustainable Drainage Systems' on 23 March 2015. These standards provide advice and guidance for the design, maintenance and operation of sustainable drainage systems[6].

Further guidance on the application of the Non-Statutory Technical Standards will be provided by Defra and associated stakeholders.

A summary of the requirements of these non-statutory standards in provided in Appendix B. The policies in this policy are consistent with the Non-Statutory Technical Standards.

3.6 Local Authority Guidance

Local Planning Authorities are ultimately responsible for determining planning applications and have numerous planning and policy documents to support the delivery of sustainable development within their districts.

3.6.1 Local Plans and Neighbourhood Plans

National planning policy places Local Plans at the heart of the planning system. Local Plans set out a vision and a framework for future development of the area. Local Plans should be based upon and reflect the presumption in favour of sustainable development. They should also address housing provision, the economy, community infrastructure and environmental issues such as adapting to climate change and ensuring high quality design.

The management of flood risk and surface water can be dealt with through policies for sustainable construction, flood risk, open space, landscape character and green infrastructure. These policies may be supported by further Supplementary Planning Documents or guidance notes.

Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Parish Councils and Neighbourhood Forums (where there is no Parish Council) and their communities can shape development in their areas through the production of Neighbourhood Development Plans. These plans become part of the Local Plan and the policies contained within them are then used in the determination of planning applications.

Any drainage strategy should make reference to relevant Local Plan and Neighbourhood Plan policies. It may also have to provide evidence which supports delivery of biodiversity, amenity and other benefits.

3.6.2 Supplementary planning documents

Some local authorities in Kent have specific drainage guidance, policies and standards for development within their district areas, which may include specific surface water discharge rates. Other local authorities may introduce similar guidance. These documents provide substantive guidance on how drainage should be delivered.

3.6.3 Strategic Flood Risk Assessments (SFRA)

Strategic Flood Risk Assessments are required to inform the development of Local Plans, as stated within the NPPF. A SFRA assesses the risk to an area from flooding from all sources, taking into account the effects of predicted climate change. They should also assess the impact that land use changes and development will have on flood risk within the district in question. Each Local Planning Authority in Kent has prepared and referenced a SFRA within their planning documents. These documents provide key information on the potential sources and magnitude of flooding and may provide information for specific site allocations.

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[6] The Non-statutory Technical Standards are published at: https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards

3.7 Kent County Council Guidance

The Local Flood Risk Management Strategy (the Local Strategy) for Kent sets out a countywide strategy for managing the risks from local flooding. One of the five objectives set out in the Local Strategy specifically states the importance of 'ensuring that development in Kent takes account of flood risk issues and plans to effectively manage any impacts'.

To support delivery of this objective, KCC has developed guidance to define the approach to planning and design of drainage. When considering surface water drainage within new developments in Kent, it is therefore recommended that reference is made to specific guidance and wider information available:

3.7.1 Water. People. Places – a guide for masterplanning sustainable drainage into developments

This guidance outlines the process for integrating sustainable drainage systems into the masterplanning of large and small developments[7]. This guidance should be used as part of the initial planning and design process for all types of development, with specific reference made to the relevant development typologies.

3.7.2 Kent Design Guide Technical Appendices: Making It Happen

The Kent Design Guide was produced to ensure that all new development results in vibrant, safe, attractive, liveable places. 'Making It Happen' comprises technical appendices that provide advice and guidance on the design and construction of drainage systems which KCC may be adopting.

The sustainability chapter (drainage systems) has been revised in May 2019 and contains specific technical guidance for drainage design.

3.7.3 Land Drainage Policy

KCC has powers under Section 23 of the Land Drainage Act 1991 to consent works in an ordinary watercourse and to enforce the removal of unconsented works.

Land Drainage regulations are generally concerned with the physical condition of watercourses, including whether they are blocked or how they are modified, including the introduction of new structures to them. This policy sets out how Kent County Council exercises these land drainage functions.

3.7.4 Surface Water Management Plans

Surface Water Management Plans (SWMPs) have been prepared by KCC (in partnership with other relevant stakeholders) to identify specific local actions to manage local flood risk. They have been undertaken in areas which were identified as a potential risk from local flooding in the Preliminary Flood Risk Assessment. These studies may provide a greater understanding of the current flood risk. Any proposed development should include consideration of any findings and recommendations of the relevant SWMP for the area. The areas covered by SWMPs are regularly being updated and can be found on the KCC website[8].

3.7.5 Kent Environment Strategy

As part of a county wide partnership, KCC has produced a Kent Environment Strategy– A strategy for environment, health and economy (KES) setting out how Kent and their partners propose to address significant opportunities and challenges from environmental change and development pressures (such as a need for improved air and water quality, decline in biodiversity and the impacts of climate change)[9]. It is accompanied by an implementation plan and includes partnership actions that will deliver against the priorities set out in the strategy. KCC adopted the strategy in January 2016 and has invited the District Councils to also adopt it to provide a basis for co-ordinated action.

The KES recognises that the environment is a key part of the infrastructure supporting the Kent economy. The strategy aims to make the most of environmental opportunities whilst addressing challenges arising from development pressures, need for improved air and water quality, decline in biodiversity and the effects of climate change.

3.8 Other Guidance & Tools

In approaching or reviewing design, technical aspects may need clarification and specification in order to satisfy KCC that it meets the required standard. KCC will make reference to good practice presented within the following documents, and would recommend that any designer also refers to:

3.8.1 CIRIA SuDS Manual (C753), 2015

This guidance document provides comprehensive information on the all aspects of the life cycle of sustainable drainage from initial planning, design through to construction and management including landscaping, waste management and costs.

3.8.2 Building Regulations

Building Regulations exist to ensure the health, safety, welfare and convenience of people in an around buildings. Part H of the Building Regulations specifically covers drainage. The consultation with the LLFA addresses flood risk to and from developments and does not replace any requirement for Building Regulation approval.

3.8.3 BS 8582:2013 Code of practice for surface water management for development sites

The British Standard gives recommendation on the planning, design, construction and maintenance of surface water management systems for new development and redevelopment sites in minimizing and/or mitigating flooding and maximizing the social and environmental benefits.

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[7] The document can be found at: www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/sustainable-drainage-systems

[8] SWMPs can be found at: www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/surface-water-management-plans

[9] The Strategy can be found at: http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/environmental-policies/kent-environment-strategy

3.8.4 UK Sustainable Drainage Guidance

The UK SuDS Tools website which provides estimation tools for the design and evaluation of surface water management systems. The website has been developed and is supported by HR Wallingford. The web site can be accessed at: https://www.uksuds.com/ .The website provides estimations for greenfield runoff, storage analysis and other tools.

3.8.5 Long Term Flood Risk Information

In 2013 the Environment Agency, working with LLFAs, produced the Long Term Flood Risk map, which depicts the risk associated with surface water flooding. The Risk of Flooding from Surface Water maps show flooding scenarios as a result of rainfall with the following chance of occurring in any given year (annual probability of flooding is shown in brackets): 1 in 30 (3.3%), 1 in 100 (1%), and 1 in 1000 (0.1%).

The Risk of Flooding from Surface Water map is published on the Gov.UK website on the "Long Term Flood Risk Information". This mapping is key to assessing overland flow routes and to identifying any locations at high risk of surface water flooding.

4 Drainage Consultation

4.1 Introduction

A drainage strategy should be submitted to the relevant Local Planning Authority along with any planning application for major development. It may either form part of a wider Flood Risk Assessment, or it can be submitted as a separate and dedicated standalone document.

Whilst consultation is not undertaken with KCC for minor development, applicants should be aware that the NPPF priorities for sustainable drainage do apply to all development, irrespective of scale (NPPF, Paragraph 163). Developers of sites for minor development are encouraged to consider the policies outlined in this document, as well as any local specific policy with respect to site drainage design. Applicants for these smaller developments are directed to guidance and standing advice on best practice to help minimise flood risk.

It is important that any consultation request we receive reflects the level of risk to a site (or the risk that may result from its development). Consequently, consultation may also occur for development, other than major development in areas of higher local flood risk, as described in Section 4.3.

Consultation on flood risk will also occur with other risk management authorities. For example, the management of tidal and fluvial flood risk and the prevention of inappropriate development in the associated flood-plain remains the responsibility of the Environment Agency. The Environment Agency is also responsible for the management of permitting regulations which may affect discharge to water bodies or the ground. Similarly, if any drainage scheme requires connection to a public sewer, additional approval will be required from the appropriate sewerage undertaker.

Within Flood Zones 2 or 3 (areas of medium/high tidal or fluvial flood risk), a Drainage Strategy should be a component of a wider Flood Risk Assessment and should outline how the management of runoff will not exacerbate the existing flood risk to/from the development proposed.

A Flood Risk Assessment should also be submitted with any application for planning permission on sites in excess of 1 ha in Flood Zone 1 (low flood risk); in these instances the Flood Risk Assessment/Drainage Strategy should be primarily concerned with the management of surface water within the proposed development site.

Other third parties, including but not limited to the Environment Agency, IDB, The Highways Authority, the Sewerage Undertaker and adjacent landowners, could have an effect on the design of a drainage system. Consultation with relevant third parties is essential early in the design process. This information should be provided as part of the consultation process.

4.2 Consultation Process

4.2.1 Overview

Consultation with KCC will occur through the planning process. KCC will be notified of the submission of a major planning application by the Local Planning Authorities within Kent (as defined in Section 2.5).

A substantive response to the LPA is legally required from KCC within 21 days of consultation.

4.2.2 Pre-application Advice

Incorporating appropriate drainage is easier and more sustainable if it is planned and designed in from the start of a development. KCC encourages pre-planning consultation to ensure that the issues are appropriately addressed at an early stage.

Pre-planning advice from KCC can provide the following benefits:

- background information to identify constraints and matters in relation to flood risk and drainage pertinent to the application;
- an indication of whether a proposal would be acceptable in principle, saving time and cost within the planning process;
- reduced time to prepare the proposal;
- provides clarification of the guidance and policies that will be applied to the development proposal;
- identifies whether specialist input is required; and,
- identification and engagement of other key stakeholders.

KCC's pre-application planning advice in relation to new development is discretionary and is provided as a chargeable service. Details and forms for pre-application advice is found on kent.gov.uk. Standing advice for specific development scenarios and types is also available on Kent's website[10].

We provide free advice to:

- individual homeowners who have specific drainage or flood related issues which may impact their own house for development; and,
- Parish councils, Local community groups, or Flood Forums on works proposed to improve local communities.

4.2.3 Planning application submission

The Local Planning Authority will confirm that a Drainage Strategy has been submitted with the planning application and pass it to KCC for consultation. KCC will review the submitted material for adequacy and, depending upon the submission, may request further information. This will be communicated to the applicant via the Local Planning Authority.

The drainage strategy submitted to support a planning application must reflect the development proposal (including site area, type of development, general arrangement and layout).

All elements of the proposed drainage strategy should be within the defined planning and development application boundary as defined by the development's "red-line" boundary. This ensures that planning approval and any subsequent conditions will apply to the entirety of the drainage measures. It would not be acceptable to have any drainage measures, most notably attenuation basins or soakaways outside of the planning application site boundary unless secured by other planning conditions, approvals or agreements.

In reviewing a drainage application, KCC will, in the first instance, confirm compliance with this policy, national planning policy (as defined in the NPPF), and compliance with the Non-Statutory Technical Standards. Local planning requirements (as set out in Local Plans or other local planning documents) and other site-specific land-use factors that affect surface water management will also be referenced, where appropriate. Additionally, KCC will consider adherence to wider environmental principles of the NPPF that may have a bearing on drainage design (for example, water quality, biodiversity and amenity).

A consultation response will be prepared and returned to the Local Planning Authority within the required 21 days following receipt of a suitably detailed submission. The consultation response may result in a request for further information or for planning conditions for subsequent determination.

[10] www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/sustainable-drainage-systems#tab-3

4.3 Consultation Submission Requirements

4.3.1 Introduction

Detailed information will be required to demonstrate that a drainage design is appropriate and will operate effectively. This information may be required for all drainage measures, including (but not limited to) pipe networks, attenuation features, ponds, soakaways and control structures.

Key design information must be evidenced and assessed. Key information which may be needed to demonstrate the feasibility or applicability of a design philosophy includes:

- existing discharge rates and post development discharge rates;
- ground investigation information, groundwater levels and infiltration rates;
- condition and connectivity surveys of receiving watercourses and sewers;
- ground level and topographical survey;
- deliverability of discharge destination and right to connect.

Detail of this technical information is provided in Chapter 6 of Making it Happen C2: Sustainable Drainage Systems. The lack of detailed technical information may increase the level of uncertainty we may have about the effectiveness of a drainage strategy. If the degree of uncertainty is great, this is that the proposal cannot clearly demonstrate a functioning system in line with requirements, then KCC will have grounds to object to the drainage proposal or may delay return of a substantive comment to the planning authority.

We therefore encourage pre-application discussion to identity any areas which may need further investigation or clarification to reduce any uncertainty with respect to the functioning of the system.

The detail provided in the submission will reflect the type of planning application submitted, whether 'outline' (Surface Water Management Strategy) or 'full' (Detailed Drainage Strategy) or discharge of condition (detailed design). The submission requirements are provided in Table 1 and are read as minimum requirements. It is expected that later stages of planning submissions will provide greater detail (such as estimates of storage vs modelled network calculations).

KCC recommends the inclusion of a summary sheet which contains pertinent information to assist in ensuring sufficient detail is submitted and to simplify the review process. A Drainage Strategy Summary Form is included in Appendix C.

We recommend that applicants confirm the submission requirements through pre-application discussion with KCC, particularly to identify any needs for ground investigation.

Table 1- Submission Requirements for stages of planning

Information required	Outline	Full	Reserved Matters	Discharge of Condition	Verification condition [11]
Identification of discharge destination					
Development information including location plan, site layout, and drainage schematic					
Surface water drainage strategy report or statement					
Calculation assumptions and results including impermeable areas, infiltration rates, network calculations and models					
Existing and proposed drainage arrangements			12		
Existing and proposed discharge rates					
Ground investigation reports/survey and soakage testing results					
Maintenance programs and access arrangements					13
As built drawings or tender construction drawings				14	
Exceedance plan [15]					
Catchment plans					
Water quality index					
Watercourse condition and connectivity					
Proposed detailed drainage network plans and cross-sections including cover and invert levels, locations of flow controls (Critical Drainage Assets)					
Attenuation device details including cross-sections					
Landscape Plan					
Discharge agreements, consents and/or evidence of third-party agreement for discharge to their system					
Phasing plan					
Identification or designation of maintaining authority/ organisation					

[11] specific requirement for confirmation of drainage. Please see section 4.3.5

[12] as required, where not already demonstrated in the original application
require greater design detail than previous planning stage Greatest amount of detail required

[13] Specific for each critical drainage asset

[14] Drawings of proposed construction

[15] includes conveyance, volume and depths

4.3.2 Large scale development

Surface water management strategies for large developments (with multiple phases) will require the submission of an overall drainage strategy at outline planning stage that provides the overall site drainage strategy and a framework for the delivery of the drainage in each phase of the site.

The Surface Water Management Strategy should set out the following for the whole site, and each phase:

- discharge destination(s);
- discharge rate and volume;
- catchment areas;
- estimated impermeable areas per phase and per catchment; and,
- phasing plan with timing of construction.

This Surface Water Management Strategy should act as an overall **drainage masterplan** for all phases of the development.

A Surface Water Management Strategy will be tied to a planning condition at the outline stage. Pre-application discussions are encouraged in the case of phased development to agree the level and detail of any strategic Surface Water Management Strategy and subsequent Detailed Drainage Strategies that will be required for each phase.

Depending upon the level of detail submitted at outline planning, it may be necessary to submit additional drainage information to accompany reserve matters associated with the layout to demonstrate that the Surface Water Management Strategy can be accommodated within the proposed layout.

Further details regarding the surface water management proposals for each phase of development should then be provided within a Detailed Drainage Strategy. Each phase must remain consistent with the overall site strategy and drainage masterplan.

Supporting information must be submitted to demonstrate that any variations can be accommodated within the site without exacerbating flood risk. The overall site Surface Water Management Strategy may be reviewed as different phases are delivered.

Large sites in close proximity or in one catchment are encouraged to cooperate or consult concurrently as there may be opportunities for combined solutions with mutual and greater benefit.

Any strategic drainage features that are required for the wider site's drainage strategy to function properly must be identified and delivered prior to the connection of the drainage from any phase or sub-phase. If a single site within a wider development (e.g. school or commercial site) is reliant upon the strategic drainage system, this must be clearly indicated within the phasing plan.

4.3.3 Consultation for minor and low risk development

Minor development will not normally be reviewed by KCC, unless specifically requested by the LPA due to local drainage concerns, existing or mapped surface water flood risk, or other matters identified by the LPA in relation to delivery of sustainable drainage.

In some instances, due to the size of the development or proposal, construction for drainage provision is not needed or substantial and therefore considered low risk. Low risk development for the purposes of consultation may be regarded, but not limited to:

- change of use[16];
- limited external building envelope alterations;
- or which results in less than 100 m^2 of additional impermeable area and which is not located in an area of existing flood risk or drainage problems.

4.3.4 Easements and way leaves

If any surface water flows off site and is required to cross third party land, then information must be submitted which demonstrates that the applicant has the ability to deliver the outfall from the site. This may require confirmation of agreement from a third-party landowner or confirmation of an agreed easement way leave.

4.3.5 Maintenance and verification

The design of any drainage system must take into consideration the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work.

The continued operation of any drainage system is dependent upon ongoing maintenance, which may be undertaken by an adopting authority or management agent. Any drainage strategy must include details of the intended adopting authority or agent and specific details of appropriate and sufficient maintenance, and then be confirmed in the verification report.

Developers will be required to demonstrate that the drainage was constructed according to the approved plans through post-construction verification reports. These reports will also include maintenance and requirements specific to the drainage system constructed. Detailed drainage layouts will be required which also identify "critical drainage assets[17]".

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[16] change of use where vulnerability is not increased

[17] KCC's definition of critical drainage assets would be those items of interest in relation to Section 21 (1A) of the Flood and Water Management Act (2010), namely any assets that are "likely to have a significant effect on a flood risk in its area" and could include items such as inlets, outlets, controls, attenuation structures etc... Further clarification can be provided by contacting KCC's Flood and Water Management team.

4.4 Adoptable highways and drainage

Most major development would normally include some aspect of highway construction or improvement, which may be adopted or require approval by KCC as the Highway Authority. The provision of drainage to adopted highways is normally subject to Section 38 or 278 Agreement, with approval and inspection by KCC as the Highway Authority.

Highway matters may be reviewed within the consultation by KCC as LLFA. KCC will endeavour to seek internal consultation on such matters; however, the detail provided within a planning submission may not be sufficient. The response from KCC as LLFA does not commit KCC as Highways Authority to any particular highways arrangement. The nature and extent of adoption should be confirmed with the Highways team at an appropriate time within the planning and design process.

Any review provided by KCC as LLFA within the planning process does not constitute a technical approval; however the LLFA's approval may be required prior to any further adoption by KCC as the Highways Authority.

5 Policies for Sustainable Drainage

5.1 Introduction

A range of sustainable drainage techniques may be utilised across a site to manage the surface water runoff from the planned development; the use of more than one technique will often be appropriate to achieve the objectives of sustainable development on any given site (notwithstanding situations which may still arise where a conventional solution may be the most appropriate).

Given the range of design options to provide a drainage solution, KCC has defined:

- **Drainage Policies (SuDS Policy 1 through 6) that set out the requirements for a drainage strategy to be compliant with the NPPF and guidance within the Non-Statutory Technical Standards for Sustainable Drainage.**
- **Environment Policies (SuDS Policy 7 through 9) that set out expectations to be considered within a drainage strategy in response to environmental legislation and guidance that KCC and the Local Planning Authorities have a duty to comply with.**

These policies, summarised in Table 2, reflect the requirements of the Local Flood Risk Management Strategy, Surface Water Management Plans and Local Planning Authority Local Plans. Sufficient information must be submitted to demonstrate that the drainage proposals comply with these policies.

Table 2: Kent County Council SuDS Policies

Policy	Summary
SuDS Policy 1	Follow the drainage hierarchy
SuDS Policy 2	Deliver effective drainage design
SuDS Policy 3	Maintain Existing Drainage Flow Paths & Watercourses
SuDS Policy 4	Seek to Reduce and Avoid Existing Flood Risk
SuDS Policy 5	Drainage sustainability and resilience
SuDS Policy 6	Sustainable Maintenance
SuDS Policy 7	Safeguard Water Quality
SuDS Policy 8	Design for Amenity and Multi-Functionality
SuDS Policy 9	Enhance Biodiversity

5.2 Drainage policies

These policies are specified from the NPPF and the guidance within the Non-Statutory Technical Standards for Sustainable Drainage, as published by Defra.

5.2.1 SuDS Policy 1: Follow the drainage hierarchy

Surface runoff not collected for use must be discharged according to the following discharge hierarchy:

- **to ground,**
- **to a surface water body,**
- **a surface water sewer, highway drain, or another drainage system, or**
- **to a combined sewer where there are absolutely no other options, and only where agreed in advance with the relevant sewage undertaker.**

The selection of a discharge point should be clearly demonstrated and evidenced.

When development occurs, the urbanisation process within a catchment affects the natural hydrology; if the destination of the water is altered this may result in:

- a reduced supply of rainfall to groundwater;
- an accelerated passage of flow to the receiving watercourses; and
- water directed away from existing receiving catchments.

In order to maintain the natural balance of the water cycle, the above discharge hierarchy must be adhered to. Where development results in changes in runoff destinations, the design must account for how the surface flows are managed and demonstrate it does not exacerbate off-site flood risk.

Any development application must follow the hierarchy and be accompanied by evidence as to why infiltration is not utilised. Technical information on the uses of infiltration is provided in Kent Design Making It Happen, including testing methodology and design criteria. Infiltration testing must assess infiltration rates appropriate to underlying ground conditions and may require consideration of both shallow and deep infiltration.

If infiltration is not feasible further information is required from appropriate authorities indicating the acceptability of a discharge location, discharge rate and consent to connect. This agreement may be with the relevant owner or responsible body including IDBs, highway authorities, sewerage undertakers, riparian owners, port authority, Environment Agency, Canals and River Trust and others.

Any connection or discharge must be compliant with regulations or guidance governing the operation of the existing drainage system (e.g. IDB by-laws or standard specifications for public sewers). Correspondence with the relevant owner or responsible body should be submitted to demonstrate agreement in principle to the discharge and connection point as early in the development planning process as possible.

If we are aware of a capacity issue or a sewer flooding issue that a sewer connection is likely to exacerbate, we will inform the Local Planning Authority and the sewerage undertaker. We may oppose any such proposal until it can be adequately demonstrated that the receiving authority has confirmed the acceptability of the intended rate of discharge.

Discharge to Ground

The drainage strategy may be constrained if the drainage discharges to the ground via infiltration in a source protection zone (specifically SPZ 1), area of low permeability or area with high groundwater. Consultation with the Environment Agency early in the planning process is recommended to identify any constraints or specific requirements in these areas, specifically in relation to groundwater contamination. We recommend reference to the EA's latest policy guidance on groundwater protection[18].

Discharge to Sewer

An existing connection to a sewer does not automatically set a precedent and it must be demonstrated why infiltration and/or a connection to a watercourse cannot be utilised. There is a presumption against any discharge of surface water to a foul sewer.

Combined sewer systems, which carry both foul and surface water, have limited capacity and are more likely to lead to foul flooding. In our commitment to ensuring development is sustainable, we will therefore seek to reduce surface water discharges to combined sewer systems.

We will encourage developers to look for available surface water systems within a radius of the proposed development before discharges to a combined sewer is agreed acceptable. For small developments surface water sewer connections should be assessed within 90m of the development site boundary. For larger development (over 100 units), a suitable distance for connection to a surface water sewer will be assessed at the time of planning, dependent upon the size and location of the development.

Where a surface water connection to an existing combined sewer is unavoidable, it must be undertaken in such a manner and at such a location to facilitate future separation of the surface water from that combined system.

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[18] The Environment Agency's approach to groundwater protection, February 2018 or latest version as published. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Envirnment-Agency-approach-to-groundwater-protection.pdf

Discharge to Highway Drains

KCC may consider surface water discharges into highway drainage sewers in the following circumstances:

a) the developer/property owner is prepared to upgrade the system where required to accommodate any increased flows; and,
b) there is a proven existing connection to the highway drainage systems.

Highway drainage connections should be raised in pre-application discussion with KCC to ensure there will be appropriate arrangements in place for highways and drainage adoption, where appropriate. Highways advice for planning applications is provided on the County's website. Please refer to Kent Design Guide - *'Making it Happen'.*

Other Consents

Other consents by regulation may be required in relation to the discharge location (e.g. Flood Risk Activity Permit and Ordinary Watercourse consent). KCC may recommend consultation with other authorities in these instances.

5.2.2 SuDS 2: Deliver effective drainage design

Any proposed new drainage scheme must manage all sources of surface water and should be designed to match greenfield discharge rates, and volumes as far as possible.

Development in previously developed land should also seek to reduce discharge rates and volumes off-site and utilise existing connections where feasible.

Drainage schemes should provide for exceedance flows and surface flows from offsite, ensure emergency ingress and egress and protect any existing drainage connectivity, so that flood risk is not increased on-site or off site.

Design Criteria

The drainage system must be designed to be consistent with pre-development flow rates and designed to operate without any flooding occurring during any rainfall event up to (and including) the critical 1 in 30 year storm (3.33% AEP). The system must also be able to accommodate the rainfall generated by events of varying durations and intensities up to (and including) the critical, climate change adjusted 1 in 100 year storm (1% AEP) without any on-site property flooding and without exacerbating the off-site flood-risk. The choice of where these volumes are accommodated may be within the drainage system itself or within other areas designated within the site for conveyance and storage.

Flooding of the highway **may** be permitted in exceptional circumstances for rainfall events between 1 in 30 year and 1 in 100 year events provided that:

- depths do not exceed the kerb height;
- no excessive or prolonged ponding (beyond 10 minutes) so that the highway primarily operates as a conveyance route to another attenuation feature;
- flood extents are within the site boundary.

Rainfall Simulation

KCC will generally require the use of the more detailed and up-to date FEH13 dataset within detailed drainage design submissions. Where FSR data is used to determine the extreme rainfall intensity values for a site, we would expect the FSR/FEH ratios depicted in Appendix 1 of the 'Rainfall runoff management for developments' report[19] (Environment Agency, 2013) to be used to adjust the calculated attenuation requirements.

If FEH13 is unavailable (and unless otherwise calculated), we will accept a rainfall depth M5-60 of 26.25 mm to be utilised in appropriate modelling software to account for this variation.

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[19] http://evidence.environmentagency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/Rainfall_Runoff_Management_for_Developments_-_Revision_E.sflb.ashx

Runoff Rates

Greenfield runoff rates must be supplied. Preferred methods are IoH124, FEH, ReFH2 or others as agreed with KCC. The rates must reflect soil conditions specific to the site and applied to an appropriate drainage area consistently through the drainage strategy.

- Local District or Parish Greenfield Runoff Rates

Local planning policy may identify preferred discharge rates to be utilised in place of greenfield rates based upon a strategic flood risk assessment. In these areas, the preferred discharge rates should be utilised in the design.

KCC may also set strategic discharge rates to contribute to flood risk management within a district or parish council area; or to provide a more efficient approach to surface water management within a local area. If a strategic assessment of greenfield runoff rates has been undertaken by KCC, these rates must be utilised in design.

- Minimum discharge rates

Small sites are associated with low greenfield runoff rates. Given advances in technology and design of flow controls, it is now possible to achieve controlled flow rates of 2 l/s. This should be considered the minimum rate to be set for small sites, unless agreed with KCC.

- Capacity constraints

If the proposed development contributes to an area or network with known local flood risk issues or capacity constraints, then discharge rates and volume control specific to the local conditions will be specified. Developers may be required to provide flood risk modelling/ assessment to identify potential constraints.

- Previously developed land

Redevelopment on previously developed land or "brownfield land" has the potential to rectify or reduce flood risk. For developments which were previously developed, the peak runoff rate from the development must be as close to the greenfield runoff rate from the development as reasonably practicable for the same rainfall event, but must not exceed the rate of discharge from the development prior to redevelopment for that event. As a minimum we would expect to see evidence that a 50% reduction in the peak runoff rate from the existing site has been sought.

An assessment of the peak flow rate of an existing drainage system must consider: (a) the connectivity and condition of the drainage system; (b) the existing total impermeable area contributing to the drainage system; and (c) the pipe full capacity of the final 5m of the outfall pipe. Within all accompanying calculations, the post-redevelopment discharge rate must take account of the predicted effects of climate change.

Runoff characteristics for a previously developed site can be estimated by other methods as described within the CIRIA SuDS Manual (Chapter 24.5). It should be noted that if a simulation model for any existing network is utilised, the operation of the network must be confirmed by a network survey to establish the network arrangements, contributing areas and network condition.

Runoff Volumes

Runoff volumes from the developed site will usually increase in comparison to the site in its natural condition; this may increase flood risk in natural receiving systems. Controlling the volume of runoff from the site is therefore vital to prevent flood risk in natural systems. Within Kent, the need and type of volume control will vary according to the soil type present, which can be broadly broken down into the following categories:

- Highly permeable soils – in areas underlain by chalk, we will expect that use of infiltration will be maximised. With no off-site discharge, additional volume control will not be required
- Intermediate permeability soils - in these areas infiltration should still be maximised; offsite discharge should be limited to QBAR, (the mean annual flood flow rate, equivalent to an approximate return interval of 2.3 years). Where sites are small and flows are calculated to be less than 2 l/s, the minimum flow rate will apply of 2 l/s.
- Low permeability soils - areas underlain by largely impermeable soils (e.g. Weald clay and London clay) will require "staged" discharge.

This requires that rates mimic existing greenfield runoff rates of the 1:1 year, 1:30 year and 1:100 year storm events as long as long term storage is utilised for flow volumes in excess of the greenfield volume for the 1:100 year 6 hour event.

The long term storage volume must discharge at a rate no greater than 2 l/s/ha and the total flow rate must not exceed the 1:100 year greenfield flow rate.

If long term storage is not designed for, QBAR should be applied to all events from the 1:30 year rainfall event.

Exceedance

Exceedance flows that cannot be contained within the drainage system shall be managed in flood conveyance routes. The primary consideration shall be risks to people and property on and off site.

Exceedance should be considered in two parts; very high intensity storms to ensure bypass flows from overloaded pipework (including potentially blocked gullies due to debris), and overfilling of storage systems. Consideration of exceedance routes will ensure that any residual risk arising from either or these are safely managed.

Emergency access arrangements

Access should be maintained into and through the site for emergency vehicles during all storms up to (and including) the critical, climate-change adjusted 1 in 100 year event. The drainage application must give consideration to flood risk vulnerability classifications (as defined through Planning Practice Guidance to the National Planning Policy Framework), as specific measures or protections may be assessed and need to be agreed with the appropriate authority.

Unrestricted discharge rates

If the proposed system discharges to a watercourse or main river, consideration must also be given to any requirements due to high water levels in the receiving watercourse due either to tide (i.e. tide-locking) or flood flows. Attenuation volumes required onsite to manage flows must take into account the effects of high receiving water levels. This also applies to connection made to sewers.

If the proposed site is immediately adjacent to a watercourse or main river, there may be instances where direct discharge to the waterway is promoted without attenuation. This is only likely to be a recommendation on or immediately upstream from tidal areas. Direct discharge without attenuation or limited attenuation based on high (non-standard) discharge rates to a main river must be agreed in consultation with KCC and the Environment Agency.

Phased Delivery

If a proposed development is to be delivered in phases, a commitment should be made for a surface water management strategy to be delivered with the first phase of development, designed to be capable of accommodating the runoff from each of the subsequent phases. If this is not possible, the runoff from each separate phase must be controlled independently.

Whichever approach is taken, the control of surface water runoff during construction should be considered. Temporary works may be required to accommodate phased construction. Any temporary drainage measure must be identified and clearly shown on a drainage layout drawing.

5.2.3 SuDS Policy 3: Maintain Existing Drainage Flow Paths & Watercourses

Drainage schemes should be designed to follow existing drainage flow paths and catchments and retain where possible existing watercourses and features.

By mimicking the natural drainage flow paths and working within the landscape, more effective and cost-efficient design can be developed. Working with existing natural gradients also avoids any reliance on pumped drainage, with its associated energy use and failure risk. The natural environment including woods, trees and hedgerows can play a part in water management.

KCC encourages maintenance of the existing flow paths and drainage connectivity. Where this is the case the following conditions apply:

a) If the proposed development is reliant on an existing discharge point, then it is recommended that the condition and conveyance capacity is confirmed through CCTV or other survey with the discharge capacity confirmed.

b) Outfalls to ordinary watercourses should not occur to "blind-ended" ditches and should be part of a wider and contiguous drainage network.

Some sites may lie in or near more than one hydrological catchment. Surface water flows should be continued through the pre-development catchments and not diverted to adjacent catchments, in order to preserve the hydrology of catchments and prevent an increase in flood risk.

Ordinary Watercourses

An 'ordinary watercourse' is defined as any channel capable of conveying water that is not part of a 'main river'; Small rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) can all be classified as 'ordinary watercourses'.

When considering the development/redevelopment of any site, existing ordinary watercourses should be identified and accommodated within any drainage strategy and site masterplan. They should be preferably retained as an open feature within a designated corridor, and ideally retained within public open space. Any outfall to an ordinary watercourse should be designed to ensure there is adequate erosion protection for the receiving channel and its banks.

It is not sufficient to undertake earthworks to the top of the bank of a boundary ditch. Any site improvements should include the channel itself. The landowner has riparian responsibilities for these ditches and new development provides an opportunity to address any existing ditch issues such as excessive vegetation, channel clogging, culvert improvements or bank stability.

It is recommended that any discharge to an ordinary watercourse or any modification to an ordinary watercourse be identified and agreed in principle with KCC (or other consenting

authority if required) prior to the submission of any planning application. The ability of a watercourse to convey water (and to function as an effective exceedance flow route, where appropriate) will always need to be maintained.

Flood risk

For ordinary watercourses, developers may need to consider the potential flood risk arising from them, particularly where there are structures which might influence water levels. Where a risk from flooding has been identified, appropriate flood risk mitigation should be identified and agreed with the Local Planning Authority/ KCC; development should be avoided in any area likely to be affected by exceedance of the channel's capacity, reflecting requirements of SuDS Policy 4.

Culverts

Culverting of open watercourses will not normally be permitted (except where demonstrably essential to allow highways and/or other infrastructure to cross). In such cases culverts should be designed in accordance with CIRIA C689: Culvert Design and Operation Guide, (2010) and KCC's Land Drainage Policy. Culverts will not be approved below/ beneath any proposed structure.

If a culverted watercourse crosses a previously developed site, it should be reverted back to open channel, wherever practicable. In any such case, the natural conditions deemed to have existed prior to the culverting taking place should be re-instated.

Measures should be in place to ensure that any future owner of a property through which a watercourse passes is aware of their maintenance responsibilities as a riparian owner.

Under the terms of the Land Drainage Act 1991, any works within an ordinary watercourse will require consent under Section 23 of the Act. This will be either from KCC or from an IDB (in the areas where they operate). Consents are unable to be amended once granted so any changes to design will need to apply for Land Drainage consenting again. Consents cannot be granted retrospectively if works are undertaken prior to approval.

If land drainage consent is required in relation to the proposed development, we recommend that the submission of any application for consent is delayed until planning permission is granted, (excepting instances when consents are required to construct or upgrade site access) as the proposed site layout may be subject to further change. Please refer to KCC web pages for guidance on ordinary watercourse consents[20].

Overland flow paths

Account should be taken for any overland flow routes which cross the site from adjacent areas. Flow routes may be indicated by reference to the EA's surface water flow mapping however the magnitude of the contribution from upstream catchments should be assessed to determine flows and the extents of flooding. It is usually preferred that these flow routes would be accommodated within the development layout; however, flood assessment or more detailed modelling may be undertaken if these routes are to be modified or channelised. It is not acceptable to culvert overland flow routes.

5.2.4 SuDS Policy 4: Seek to Reduce and Avoid Existing Flood Risk

New development should be designed to take full account of any existing flood risk, irrespective of the source of flooding.

Where a site or its immediate surroundings have been identified to be at flood risk, all opportunities to reduce the identified risk should be investigated at the masterplanning stage of design and subsequently incorporated at the detailed design stage.

Remedial works and surface water infrastructure improvements may be identified in the immediate vicinity of the development to facilitate surface water discharge from the proposed development site.

Paragraph 165 of the National Planning Policy Framework outlines how flood risk management bodies should seek to manage flood risk through using opportunities offered by new development to reduce the causes and impacts of flooding, taking the predicted effects of climate change into account.

As LLFA, KCC will endeavour to ensure that this principle is applied across the County. Where a developer's Drainage Strategy has identified that there are existing flood risks affecting a site or its surroundings, there would be an expectation that the developer manages the identified risk appropriately to ensure that there are no on or off site impacts as a result of any development. Similarly, where there are opportunities to reduce the off-site flood risk through carefully considered on-site surface water management, we will encourage developers to explore these fully.

Avoiding areas of flood risk

All development should be preferentially located in the areas of lowest flood risk, irrespective of the source of flooding. At the earliest stages of masterplanning, an appropriate flood risk or drainage impact assessment should be undertaken to ensure that any vulnerable forms of development are located outside Flood Zones 2 or 3 and/or those areas identified as being at medium to high risk of surface water flooding. The Environment Agency's Flood Map for Planning and Long-Term Flood Risk pages should be referred to for this information.

Residential buildings should in the first instance not be located within any area indicated to be at high risk[21] from surface water flooding, according to the Long Term Flood Risk[22] maps or any local flood maps.

If development is unavoidable within a surface water flood risk or flow route, then the land use should be water compatible; designed and constructed to be flood resilient; having consideration of the estimated flow depths and be designed accordingly.

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[20] www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/owning-and-maintaining-a-watercourse

[21] High risk means that each year an area has a chance of flooding of greater than 3.3% (i.e equates to 1 in 30-year risk of flooding), with flood depths over 900mm and velocities over 0.25 m/s.

[22] https://flood-warning-information.service.gov.uk/long-term-flood-risk

Remedial works and infrastructure improvements

Local flood risk "hot spots" may be known to KCC or the local council in the vicinity of the proposed development. If the receiving system is in a poor condition and unable to convey flow effectively, remedial works may be required prior to connection or discharge to the system.

A condition survey of the outfall location and of the receiving system may be required to confirm connectivity and capacity along with any potential works required to ensure discharge can occur without impedance.

Dependent upon ownership and responsibilities, these works may be recognised as part of the development description for the proposed development as would occur for any infrastructure improvement to accommodate strategic growth, new connections and new local development.

5.2.5 SuDS Policy 5: Drainage Sustainability and Resilience

The design of the drainage system must account for the likely impacts of climate change and changes in impermeable area over the design life of the development. Appropriate allowances should be applied in each case.

A sustainable drainage approach which considers control of surface runoff at the surface and at source is preferred and should be considered prior to other design solutions.

Drainage infrastructure normally has a defined design life. This varies depending upon the nature of the system's components. The drainage must be designed to function properly to protect the development and downstream from flooding over this timeframe. This includes accommodating predictable changes, including climate change and urbanisation.

Climate Change

In 2016, the Environment Agency published new guidance on how to use climate change allowances in flood risk assessments. The guidance can be found at: www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

KCC require that the drainage design accommodates the 1 in 100 year storm with a 20% allowance for climate change, with an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%.

This analysis must determine if the impacts of the 40% allowance are significant and lead to any unacceptable flood risks (it is not normally expected that the site would not flood in this scenario, only that if this storm were to occur the impacts would be minimal i.e no flooding of property or sensitive infrastructure and no flooding leaves the site). The design may need to be modified to avoid any unacceptable risks, but may also need additional mitigation allowances, for example a higher freeboard on attenuation features or provision of exceedance routes. This will tie into designing for exceedance principles.

Sustainability

Design of drainage systems utilising a sustainable drainage design approach and reducing reliance on below ground systems in pipes and tanks, provides greater visibility for maintenance as well as many other benefits. Sustainable measures which control flow rates near to the source and which maximise natural losses through infiltration and evaporation are preferred. Operation of surface systems is also more easily observed.

Urban Creep

To take account of possible future conversion of permeable surfaces to impermeable over time (e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas). Consideration of urban creep should be assessed for residential developments.

An allowance for the increase of impermeable area from urban creep must be included in the design of the drainage system. The allowances set out in Table 3 must be applied to the impermeable area within the property curtilage according to the proposed dwelling density.

Table 3: impermeable area allowances for urban creep

Residential development density(Dwellings per hectare) (% of impermeable area)	Change allowance
≤ 25	10
30	8
35	6
45	4
≥ 50	2
Flats & Apartments	0

5.2.6 SuDS Policy 6: Sustainable Maintenance

Any proposed drainage schemes must be designed to be maintainable to ensure that that the drainage system continues to operate as designed and must be accompanied with a defined maintenance plan.

The drainage system must be designed to take account of the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work. Without maintenance, the function of drainage systems may alter. Increased leaf litter, sediments and colonisation of vegetation may clog drainage measures or impact the characteristics of operational controls.

Design to be maintainable

The drainage strategy must demonstrate that adequate access is available and practicable for personnel and equipment either through an appropriate layout or legal agreement to provide agreed access arrangements in perpetuity. Consideration should also be given to the Construction Design and Management regulations for health and safety purposes.

Wherever possible, it is preferable that drainage schemes should be designed at the surface to allow easy inspection and maintenance. Drainage maintenance can usually be incorporated as part of a typical landscape maintenance specification.

KCC recommends that shared drainage measures or drainage measures serving the wider development are located within common land or public open space to facilitate easy access and maintenance. Drainage measures which serve more than one property should not be located within back gardens or other private areas.

If the proposed development incorporates existing field ditches or ordinary watercourses, we would normally require a minimum setback of 5 m to 8 m (depending upon the location, and whether the ditch/watercourse falls within an IDB regulated area). This will allow the safe access and operation of any tracked machinery that may be required to undertake any maintenance works to the banks or channels, and provides a reasonable buffer for any flora and fauna within the watercourse.

We would generally recommend that new development is designed to facilitate the maintenance of existing watercourses, with roads or walkways being provided alongside at least one bank for access. Closed fence-lines to the rear of properties bordering a watercourse should be avoided owing to the maintenance difficulties and the potential for the inappropriate depositing of material beyond property boundaries.

With surface water drainage systems, a careful balance must be struck over the creation of habitats. The encouragement of certain protected species or creation of protected habitats may conflict with the regular maintenance works essential to ensuring long term functionality of the drainage measures. An awareness of any biodiversity objectives or site wide strategic ecological management plan should be considered as part of a maintenance plan for the drainage measures, specifically timing of vegetation cuts and silt removal to ensure no conflict with nesting birds or specific life stages of biota.

Where, in particular circumstances, underground techniques are used, more extensive inspection processes will be necessary, for example where longer pipe runs are used, CCTV surveys may be required. All inlet, outlet and control structures must be indicated and known to the appropriate adopting authority to be protected from blockage and located near the surface, to allow for easy management during routine maintenance visits.

Maintenance Plan

An operation and/or maintenance plan should be provided which indicates a schedule and time of activities, as well as critical controls or components of the drainage scheme. This plan should include an indication of the roles and responsibilities for each authority or organisation which may have a responsibility for maintenance activities. Any inter-connectivity with or reliance upon other drainage systems should be indicated.

KCC may work with LPAs to ensure that the drainage schemes associated with large, strategic, potentially problematic or sensitive sites have been established and are able to function in accordance with the approved plans and specifications.

Information on maintenance requirements will be required in early stages of planning submissions to demonstrate that adequate access is provided.

Verification report

KCC may also require the submission of a Verification Report after development completion (Appendix D). This report will demonstrate that the constructed drainage system operates as approved; will include the identification of "critical drainage assets"; and, will outline specific maintenance requirements and obligations for each drainage measure.

As LLFA, KCC has a duty to maintain a register of structures or features which are likely to have a significant effect on flood risk. Drainage schemes within new developments may include structures or features that will be required to be included within the register. Critical drainage assets which are not adopted by others will be recorded.

5.2.7 SuDS Policy 7: Safeguard Water Quality

When designing a surface water management scheme, full consideration must be given to the system's capacity to remove pollutants and to the cleanliness of the water being discharged from the site, irrespective of the receiving system.

Interception of small rainfall events should be incorporated into the design of the drainage system.

Paragraph 170 (e) of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to (or being put at unacceptable risk from) unacceptable levels of water pollution or land instability. Development should whenever possible help improve local environmental conditions.

Additionally, the Water Framework Directive has been established to improve and integrate the way water bodies are managed throughout Europe. It provides a legal framework to protect and restore clean water throughout Europe to ensure its long-term sustainable use. In particular it will help deal with diffuse pollution which remains a big issue following improvements to most point source discharges.

The design of any drainage proposal should therefore ensure that surface water discharges do not adversely impact the water quality of receiving water bodies, both during construction and when operational. Sustainable drainage design principles have the potential to reduce the risk of pollution, particularly through managing the surface water runoff close to the source and on the surface. Below grade pipes and tanks which are efficient for drainage purposes may not provide appropriate water quality treatment.

The CIRIA SuDS Manual describes a methodology for determining the hazard posed by land use activities (refer to Chapter 26 of the CIRIA SuDs Manual). A simple index approach enables an assessment of the pollution hazard and value of mitigation provided by the sustainable drainage measure. This assessment will be required for all applications.

Runoff from small rainfall events can pose a particular problem for water quality. The 'first flush' of runoff contains the initial high concentration load of pollutants that has built-up on surfaces during the preceding dry period. It is possible to get a high initial pollution concentration for relatively small rainfall events.

Rainfall events that are less than or equal to 5mm in depth also comprise more than half of the rainfall events that took place. The volume of runoff from these small events therefore can cumulatively contribute significantly to total pollutant loadings from the site over a specified period of time. Interception of an initial rainfall depth of 5mm for all rainfall events would mimic greenfield response characteristics in that runoff from small rainfall events do not generally produce any run-off.

KCC would expect that developers demonstrate that the first 5mm of any rainfall event can be accommodated and disposed of on-site, rather than being discharged to any receiving watercourse or surface water sewer. This can easily be achieved through the inclusion of sustainable drainage measures such as infiltration systems, rain gardens, bioretention systems, swales, and permeable pavement.

Where it proves exceptionally difficult to achieve this principle, it must be demonstrated that any water leaving the site has been appropriately treated to remove any potential pollutants.

When discharging to the ground, ground conditions and protection of any source protection zones should be confirmed.

Discharge to ground shall only occur within clean, competent, natural and uncontaminated ground and information should be provided to demonstrate that a sufficient unsaturated zone has been provided above the highest occurring groundwater level. Advice may need to be sought from the EA Groundwater team in relation to these matters, particularly in SPZ 1 and may require specific mitigation. Infiltration into Made Ground will not be accepted.

Construction Management Plan

The management and control of erosion and sediment should be considered throughout design and construction, operation and maintenance to ensure that no impact to offsite watercourses occurs.

Sedimentation can cause the loss of aquatic habitat, decreased fishery resources and can lead to increased flooding due to reduction in hydraulic capacity of the watercourse.

A Construction Management Plan will be required to demonstrate that erosion and sediment controls are adequately planned to protect water quality in receiving water environments. Any sites within a sensitive receiving catchment may require additional information. Situations in which this is a consideration will be confirmed through coordination with KCC's Biodiversity team and the Environment Agency.

5.2.8 SuDS Policy 8: Design for Amenity and Multi-Functionality

Drainage design must consider opportunities for inclusion of amenity and multi-functionality objectives and thus provide multi-functional use of open space with appropriate design for drainage measures within the public realm.

Local environmental objectives may identify other benefits which can be agreed to be delivered through appropriate design of the drainage system.

Amenity and Open Space

Where land performs a range of functions it affords a far greater range of social, environmental and economic benefits than might otherwise be delivered (Landscape Institute Position Statement, Green Infrastructure). Open spaces are often multifunctional, fulfilling several different valuable roles; for example, in the main they may be for recreational use, but they may also provide valuable wildlife habitat, an attractive landscape, paths for walking and cycling and space for community events.

Well-designed, open, sustainable drainage measures may also provide this degree of opportunity, optimising all of these functions in a way which fits with the surrounding landscape. For example, park areas which can be used as temporary flood storage during heavy rainfall events, and wetlands being used to deliver amenity value and habitat as well as water treatment. The aim should be to create networks of high quality open space which adapt for attenuation of surface water, sports and play and enhancement of biodiversity.

The integration of sustainable drainage measures into open spaces can introduce open water and variable ground surfaces into the public realm with associated risks of: drowning; slips, trips and falls; waterborne disease; and bird strike if near airports. The majority of potential risks can be assessed and removed through good site design. Reference should be made to best practice for appropriate design is provided in CIRIA's 'SuDS Manual'.

Multi-functional Design Benefits

Multi-functional design may also deliver other benefits as summarised in Table 4 (BS 8582 Code of Practice for Surface Water Management for Development Sites). New evaluation tools (B£ST Benefits Estimation Tool, CIRIA) may enable a full accounting of benefits to demonstrate economies and efficiencies to including specific design elements within the drainage provision. Simple elements such as inclusion of trees, or rain gardens within kerb build-outs may deliver other priorities being sought by the local authority.

Table 4: Multi functional surface water management design (Source: BS 8582:2013)

Infrastructure objective	Multi-functional surface water management system design and associated environmental value
1. Recreational opportunities	• Subsurface attenuation storage systems can be sited below permeable surfaces used for recreation • Infrequently flooded detention zones can also serve as recreational/amenity areas • Vegetated conveyance and/or storage systems can be designed to promote education, play and amenity value • Intensive green roofs can provide amenity landscape in dense urban settings • Surface water management components can be integrated with sustainable transport corridors (e.g. cycle routes) to maximize benefits
2. Water resources conservation	• Surface water run-off from roofs and uncontaminated paved surfaces, can be captured and stored for use • Rainwater harvesting systems can be designed to deliver surface water management benefits in addition to water supply (see BS 8515)
3. Habitats/ biodiversity enhancement	• Vegetated surface water management components, which store or convey water either temporarily or permanently, can often deliver locally important habitat • Such areas can contribute to urban "corridors" and "networks" of green (vegetated) and blue (water) spaces that support the movement of species
4. Traffic management	• Appropriately designed roads can provide, during times of extreme rainfall, short-term effective management of flood waters, either for conveyance or storage • Local road surfaces and pavements can often be designed to be pervious and allow run-off to infiltrate into the sub-base • Bioretention/biofilter zones can be integrated within pavement design to provide both traffic calming and stormwater management units • Vegetated swales running alongside roads can be designed to treat and control road run-off • Tree pits can be included to intercept run-off (with additional subsurface storage included within or adjacent to the pit)

5. Car parking	• Where the car parking surface is designed to be pervious, surface water can be stored and treated within the sub-base, prior to either controlled discharge, infiltration to the ground, or use. • Car parks can store additional volumes of floodwater above the surface during extreme events. • Vegetated strips, swales, bioretention systems and basins can be designed adjacent to the car park to treat and control run-off
6. Public education/ awareness	• Local community engagement strategies can deliver: • an understanding of the functionality and environmental importance of the surface water management system in mitigating human impacts • a commitment towards contributing to the management of the drainage components • an understanding of the health and safety risk management strategy for the site in relation to surface water • ideas as to how the system could be used to promote children's education strategies and increased local amenity benefits
7. Air temperature / urban heat island mitigation	• Urban cooling can be promoted via the return of moisture to the air through evaporation and evapotranspiration from vegetated surface water management features • Direct cooling can be provided by trees integrated within the surface water management system providing shade • Green roofs and vegetative surfaces reflect more sunlight and absorb less heat
8. Reduced energy use	• Green roofs provide good building insulation
9. Air quality improvement	• Trees, larger shrubs and vegetated surfaces used as part of the surface water management strategy can filter out airborne pollutants
10. Landscape character	• Well designed and integrated SuDS features can enhance aesthetic appeal and local landscape and townscape character and distinctiveness
11. Health benefits	• Green and blue space within developments promotes health benefits linked to increased outdoor recreation and a feeling of well being

5.2.9 SuDS Policy 9: Enhance Biodiversity

Drainage design must consider opportunities for biodiversity enhancement, through provision of appropriately designed surface systems, consideration of connectivity to adjacent water bodies or natural habitats, and appropriate planting specification.

Biodiversity is defined as the variety of life on Earth; designing to protect and enhance biodiversity is therefore essential. As a direct result of human activity, the rate of species extinction over the last 200 years is far higher than in any period of the preceding 65 million years[23]. In the UK, freshwater ecosystems are at the most risk and populations of key species have declined significantly.

The NPPF requires that Local Planning Authorities set out a strategic approach to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (NPPF para 171). Maximising the ecological value of drainage systems is consistent with national and local policies which aim to conserve and enhance biodiversity. This is underpinned by a variety of legislation including the biodiversity 'duty' for public bodies which is enshrined in the Natural Environment and Rural Communities (NERC) Act 2006.

Working with the landscape to provide drainage may promote other opportunities with greater benefits for biodiversity but also provide greater attractiveness. The linear nature of many SuDS features can help create green corridors through developments; these are important for wildlife and ensure that the associated development is connected with its surrounding environment.

KCCs 'SuDS and Biodiversity' project (2014) has demonstrated that drainage schemes within residential areas contribute to the biodiversity of the local area and provide important habitats for animals and plants that would otherwise be absent. In some cases invertebrate species of significant nature conservation value have been found.

A number of key factors were identified to strongly influence the biodiversity value of the sustainable drainage features. These included:

- connectivity with other waterbodies and habitats,
- planting assemblage and cover,
- waterbody design,
- retained water,
- fish/wild fowl presence, and
- water quality.

When assessing drainage design, particularly surface systems, it is important to consider the drainage scheme in the context of the surrounding landscape character area. Effective integration will also require carefully researched and selected plants, which work to improve the local green infrastructure.

The design of any drainage scheme can provide an opportunity for increasing biodiversity value by including surface vegetated systems with some retained water and through ensuring appropriate edge treatments and gradients. Review of engineering design by an ecologist may identify simple improvements in pond design and planting specification that would maximise the biodiversity potential.

Glossary

Aquifer	A source of groundwater compromising water-bearing rock, sand or gravel capable of yielding significant quantities of water.
Adopting authority	General term utilized in this guidance and relates to the authority that will ultimately manage the proposed drainage system
Attenuation	Attenuation is the process of water retention on site and slowly releasing it in a controlled discharge to a surface water or combined drain or watercourse. The amount of discharge will vary depending whether it is a brown or greenfield site. For brownfield sites the developer must determine the likely run off and agree an acceptable discharge with the LLFA, environment agency or water authority.
Brownfield site	Any land or site that has been previously developed.
Catchment	The area contributing surface water flow to a point on a drainage or river system.
CIRIA	Construction Industry Research and Information Association. www.ciria.org
Climate change	Long-term variations in global temperature and weather patterns both natural and as a result of human activity (anthropogenic) such as greenhouse gas emissions
Culvert	A structure which fully contains a watercourse as it passes through an embankment or below ground.
Development	The undertaking of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land.
EA	Environment Agency. Government Agency responsible for flooding issues from main river, and strategic overview of flooding.
Flood event	A flooding incident usually in response to severe weather or a combination of flood generating characteristics.
Flood risk	The combination of the flood probability and the magnitude of the potential consequences of the flood event.
Flood Risk Assessment	An appraisal of the flood risks that may affect development or increase flood risk elsewhere
Flood Zones	Flood Zones provide a general indication of flood risk, mainly used for spatial planning.

[23] www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/

Floodplain	An area of land that would naturally flood from a watercourse, an estuary or the sea.
Freeboard	A vertical distance that allows for a margin of safety to account for uncertainties.
Flood and Water Management Act	The Flood and Water Management Act clarifies the legislative framework for managing surface water flood risk in England.
Flow control device	A device used to manage the movement of surface water into and out of an attenuation facility.
Geocellular storage systems	Modular plastic systems with a high void ratio, typically placed below ground which allow for storage of storm water to infiltrate or discharge to another system.
Gravity drainage	Drainage which runs through pipework installed to a fall, and not therefore under pressure.
Greenfield	Undeveloped land.
Greenfield runoff rate	The rate of runoff which would occur from a site that was undeveloped and undisturbed.
Groundwater	Water that exists beneath the ground in underground aquifers and streams.
Groundwater flooding	Flooding caused by groundwater rising and escaping due to sustained periods of higher than average rainfall (years) or a reduction in abstraction for water supply.
Highway Authority	Body responsible for the management and maintenance of public roads
Impermeable	Will not allow water to pass through it.
Impermeable surface	An artificial non-porous surface that generates a surface water runoff after rainfall.
Infiltration	Infiltration or soakaway is the temporary storage of water to allow it to naturally soak away into the ground. Because water soaks into the ground gradually, reduces the risk of flooding downstream. Infiltration may be used where there is no surface water sewer or where existing systems are at full capacity. Infiltration helps to recharge natural ground water levels.

Internal Drainage Board (IDB)	An internal drainage board (IDB) is a public body that manages water levels in an area, known as an internal drainage district, where there is a special need for drainage. IDBs undertake works to reduce flood risk to people and property, and manage water levels for agricultural and environmental needs within their district. There are six IDBs in Kent:
	The River Stour Upper Medway Lower Medway Romney Marshes Area North Kent Marshes
Lead Local Flood Authority	Under the terms of the Flood and Water Management Act 2010, LLFAs are responsible for developing, maintaining and applying a strategy for local flood risk management in their areas and for maintaining a register of flood risk assets. They also have lead responsibility for managing the risk of flooding from surface water, groundwater and ordinary watercourses. Kent County Council are the LLFA within Kent.
Local Flood Risk Management Strategy	Strategy outlining the Lead Local Flood Authority's approach to local flood risk management as well as recording how this approach has been developed and agreed.
Main River	A watercourse designated on a statutory map of Main rivers, maintained by Department for Environment, Food and Rural Affairs (Defra).
Mitigation measure	A generic term used in this guide to refer to an element of development design which may be used to manage flood risk to the development, or to avoid an increase in flood risk elsewhere.
National Planning Policy Framework	Framework setting out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
Overland Flow	Flooding caused by surface water runoff when rainfall intensity exceeds the infiltration capacity of the ground, or when the soil is so saturated that it cannot accept any more water.
Permeability	A measure of the ease with which a fluid can flow through a porous medium. It depends on the physical properties of the medium.

Pitt Review	An independent review of the 2007 summer floods by Sir Michael Pitt, which provided recommendations to improve flood risk management in England.
Rainwater harvesting	Collection and Re-use or recycling of rainwater for the purpose of garden irrigation, car washing, toilet flushing etc.
Runoff	Water flow over the ground surface to the drainage system. This occurs if the ground is impermeable, is saturated or if rainfall is particularly intense.
Source Protection Zone	Defined areas showing the risk of contamination to selected groundwater sources used for public drinking water supply.
Strategic Flood Risk Assessment	A study to examine flood risk issues on a sub-regional scale, typically for a river catchment or local authority area during the preparation of a development plan.
Surface water flooding	Flooding caused by the combination of pluvial flooding, sewer flooding, flooding from open channels and culverted urban watercourses and overland flows from groundwater springs
Surface Water Management Plan	A study undertaken in consultation with key local partners to understand the causes and effects of surface water flooding and agree the most cost effective way of managing surface water flood risk for the long term.
SUDS	Sustainable (urban) drainage systems. A sequence of management practices and control structures that are designed to drain surface water in a more sustainable manner.
Watercourse	A term including all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices and passages through which water flows.

Appendix A. National Planning Policy Framework (Extract)

155	Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
157	All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below; b) safeguarding land from development that is required, or likely to be required, for current or future flood management; c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
163	When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment50. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
165	Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

170 Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising 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;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Appendix B. Non-Statutory Technical Standards for Sustainable Drainage

Flood risk outside the development
S1 Where the drainage system discharges to a surface water body that can accommodate uncontrolled surface water discharges without any impact on flood risk from that surface water body (e.g. the sea or a large estuary) the peak flow control standards (S2 and S3 below) and volume control technical standards (S4 and S6 below) need not apply.
Peak flow control
S2 For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.
S3 For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.
Volume control
S4 Where reasonably practicable, for greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.
S5 Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event.
S6 Where it is not reasonably practicable to constrain the volume of runoff to any drain, sewer or surface water body in accordance with S4 or S5 above, the runoff volume must be discharged at a rate that does not adversely affect flood risk.
Flood risk within the development
S7 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event.
S8 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

S9 The design of the site must ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

Structural Integrity

S10 Components must be designed to ensure structural integrity of the drainage system and any adjacent structures or infrastructure under anticipated loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance.

S11 The materials, including products, components, fittings or naturally occurring materials, which are specified by the designer must be of a suitable nature and quality for their intended use.

Designing for maintenance considerations

S12 Pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity.

Construction

S13 The mode of construction of any communication with an existing sewer or drainage system just be such that the making of the communication would not be prejudicial to the structural integrity and functionality of the sewerage or drainage system.

S14 Damage to the drainage system resulting from associated construction activities must be minimised and must be rectified before the drainage system is considered to be completed.

Appendix C. Drainage Strategy Summary

1. Site details	
Site/development name	
Address including post code	
Grid reference	E N
LPA reference	
Type of application	Outline ☐ Full ☐ Discharge of Conditions ☐ Other ☐
Site condition	Greenfield ☐ Brownfield ☐

2. Existing drainage			Document/Plan where information is stated:
Total site area (ha)			
Impermeable area (ha)			
Final discharge location	Infiltration ☐ Watercourse ☐ Sewer ☐ Tidal reach/sea ☐		
Greenfield discharge rate (l/s) for existing site area	QBAR (l/s)		
	1 in 1 year (l/s)		
	1 in 30 year (l/s)		
	1 in 100 year (l/s)		
3. Proposed drainage areas			**Document/Plan where information is stated:**
Impermeable area (ha)	Roof		
	Highway/road		
	Other paved areas		
	Total		
Permeable area (ha)	Open space		
	Other permeable areas		
	Total		
Final discharge location	Infiltration ☐ Infiltration rate _____m/s Watercourse ☐ Sewer ☐ Tidal reach/sea ☐		
Climate change allowance included in design	20% ☐ 30% ☐ 40% ☐		

4. Post-Development Discharge rates, without mitigation			**Document/Plan where information is stated:**
Developed discharge rates (l/s)	1 in 1 year		
	1 in 30 year		
	1 in 100 year		
	1 in 100 year + CC		

5. Post-Development Discharge rates, with mitigation			**Document/Plan where information is stated:**
Describe development drainage strategy in general terms:			
(a) No control required, all flows infiltrating ☐			
(b) Controlled developed discharge rates (l/s)	1 in 1 year		
	1 in 30 year		
	1 in 100 year		
	1 in 100 year + CC		

6. Discharge Volumes			**Document/Plan where information is stated:**
	Existing volume (m^3)	Proposed volume (m^3)	
1 in 1 year			
1 in 30 year			
1 in 100 year			
1 in 100 year + CC			

All information presented above should be contained within the attached Flood Risk Assessment, Drainage Strategy or Statement and be substantiated through plans and appropriate calculations.

Form completed by	
Qualifications	
Company	
Telephone	
Email	
On behalf of (client's details)	
Date	

Appendix D. Drainage Asset Record Sheet for Verification Report

IDENTIFICATION	Type of Structure or Feature	
	Location Name	
	Drawing Identifier	
MANAGEMENT/ OWNERSHIP	Owners Name / Company	
	Address of owner	
	Owners Contact Number	
	Maintained By	
	Adoption proposed	☐ YES ☐ NO
	Name of Adopting Authority	
	Estimated Date of Adoption	
ASSET DETAILS	National Grid Reference (NGR)	
	Cover Level	
	Invert Level	
	Max volume	
	Height	
	Diameter/Width	
	Length	
	Depth	
	Designed Flow Rate	
	Any Additional Uses	

Growth and Communities

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Town Hall
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Faversham
ME13 7AE

BY EMAIL ONLY

14 February 2023

Dear Sir / Madam

Re: Faversham Neighbourhood Plan - Regulation 14 Consultation

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

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

2. Local Context

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve Public Rights of Way (PRoW) in the county. PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. KCC is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the KCC Rights of Way Improvement Plan (ROWIP) and the KCC 'Framing Kent's Future' strategy for 2022-2026. KCC intends for people to enjoy, amongst others, a high quality of life with opportunities for an active and healthy lifestyle, improved environments for people and wildlife, and the availability of sustainable transport choices.

The County Council supports the aims and objectives of the Neighbourhood Plan. However, it considers that there is a lack of reference to the PRoW network and the draft Neighbourhood Plan makes no reference to the County Council's ROWIP. The County Council strongly urges the Town Council to ensure that reference to the ROWIP is included within the Neighbourhood Plan as this will enable successful partnership working to continue

and deliver improvements to the PRoW network in Faversham. Joint delivery of this strategic plan will ensure significant benefits, while its omission could result in a significant loss of access to additional funding opportunities. There is also omission of the recently opened National Trail, the England Coast Path (ECP), the regionally promoted Saxon Shore Way, multiple promoted routes and National Cycle Routes, which all are significant assets to the area, offering both Active Travel and leisure and tourism opportunities.

The County Council recommends that this section includes reference to the PRoW network, National Trail and promoted routes to give context to the historic character of the network in the area. It would also emphasise the significant benefit that a well-maintained PRoW network can bring to the socio-economic well-being of a rural area.

Heritage Conservation: The County Council considers that more can be made of Faversham's heritage in the Neighbourhood Plan. Faversham is one of the most historically significant places in Kent and has a rich and diverse heritage. Some of this can still be seen in the town's historic buildings and character, but more is buried beneath the ground or remains to be discovered. This heritage is likely to be encountered regularly by residents and developers trying to deliver the goals of the Neighbourhood Plan and KCC considers that at the outset it should be reviewed so readers appreciate how extensive it is and why it is so important. This review could most usefully be in section 2.1 (Local Context) or at the start of section 3.7 (Historic Buildings and Areas).

This review should emphasise that Faversham's heritage is far older than the medieval appearance that the town presents today. It also includes several Palaeolithic handaxes and Mesolithic flints from across the Neighbourhood Plan area, Neolithic pottery from Ospringe Street and a possible Neolithic field system at Abbey Fields. Neolithic flints have also been found widely across the area.

Bronze Age weapons and tools have been found in Faversham and are now in the British Museum, and an early Bronze Age field system and late Bronze Age farmstead have been excavated at Abbey Fields. Late Bronze Age occupation has also been recorded at Davington and Perry Court Farm. Iron Age burials that produced brooches were found at Athelstan Road and a probable Iron Age settlement discovered at Abbey Fields. Other Iron Age occupation sites have been found south of Macknade Farm, Queen Elizabeth Grammar School, Lady Dane Farm and at Davington.

The Neighbourhood Plan area contains extensive Roman remains related to the crossing of the Neighbourhood Plan area by Watling Street and the proximity of Faversham Creek. These include cemeteries at Davington, Ospringe, in Faversham itself and at the King's Field. Roman occupation features have been found at various places in the Neighbourhood Plan area. These include buildings and an altar found at St Mary of Charity while east of Clapgate Spring finds have been recovered indicating a buried building. The most spectacular Roman discovery, however, is that of Faversham Roman Villa, a winged villa and now a scheduled monument.

Elsewhere, Anglo-Saxon settlement evidence is more elusive. Possible features have been found in Abbey Street and a possible ditch beneath St Mary's church. Saxon burials were, however, found at the King's Field and St Mary's church. These pre-medieval features may

not be visible, but they are nonetheless important components in Faversham's heritage and should be recognised and protected. Post-medieval buildings and industries are already more prominent in the text. The Neighbourhood Plan text should highlight these diverse discoveries, not only to link the modern town to its more distant past but to highlight the potential for further discoveries in future.

2.3 Aims

PRoW: The County Council supports the Aims within the Neighbourhood Plan. However, point 4 should include specific reference to the PRoW Network as a significant element of sustainable transport.

2.4 Overall Planning Strategy

PRoW: The County Council recommends that the reference to FAV4 and FAV6 should be amended to the PRoW network, National Trails, promoted routes and Cycleways, and also amend text of "existing path network" to PRoW network.

3. Policies

3.1 Overview

PRoW: The County Council would recommend that the title of Policy FAV69 should be amended to the PROW network, National Trails, promoted routes and Cycleways.

3.2 Faversham Town Centre

PRoW: The County Council recommends that Policy FAV1 includes additional text to highlight the need to ensure pedestrian and cycle connectivity for any proposed development.

3.3 Residential Development

PRoW: In respect of the Key Issues for Policies to Address the County Council would strongly recommend the inclusion of Active Travel opportunities, and the priority which should be given to walking and cycling. The policy should address the need to ensure links to amenities, public transport as well as green and leisure space. The County Council would also recommend reference to the need for improvements to the PRoW network to enable safe and attractive walking and cycling connections and links from and to new developments. The policy should also include some general wording around the need to secure improvements to PRoW to ensure the highly regarded links are not degraded.

The County Council would also recommend that Policy FAV2 wording should include the consideration of strategic approach for the protection and enhancement of the PRoW network.

3.4 Movement and Sustainable Transport

Highways and Transportation: The County Council recommends policy wording that encourages access to public transport hubs on pedestrian desire lines and the hubs themselves should be equipped with cycle parking, shelter, rubbish bins and seating.

PRoW: The County Council would recommend that this section of the Neighbourhood Plan includes reference to PRoW as part of the Local Cycling and Walking Infrastructure Plan – existing PRoW routes provide opportunities to enhance this policy. KCC recommends that the assessment of Faversham Critical Junctions should consider the proximity to PRoW for safety issues as well. The majority of the strategic Faversham sites will have an impact on the PRoW network - either adjacent or connecting - that are being improved and enhanced through the development either on site or through Developer Contributions. Specific reference to PRoW as a key issue will ensure further opportunities may be able to be explored. The County Council would also recommend reference to KCC ROWIP as it is a statutory policy document for PRoW.

Policy FAV4 Mobility and Sustainable Transport

Highways and Transportation: Point 4 of this policy makes reference to secure and covered storage for cycles and scooters. It is not clear, however, what scooters are being referred to here as electric scooters are not being trialled in Swale and thus cannot be used on the public highway. The County Council questions whether the drafting of this policy is referring to mobility scooters or to non-motorised scooters (as sometimes used by school age children) or even to moped type scooters. This needs defining further so as not to suggest that electric scooters are permissible on roads and footways in Faversham.

PRoW: The County Council recommends that PRoW is referenced specifically in consideration of the importance of this access resource. Where PRoW would be directly affected by development proposals, the Neighbourhood Plan should encourage applicants to provide plans that should clarify intentions for positively accommodating, diverting, or enhancing paths.

Policy FAV5 – Critical Road Junctions

Highways and Transportation: The County Council is uncertain of how the junctions have been prioritised and what evidence has been used to rate them, but any submitted planning application likely to generate significant traffic impacts will be supported by a Transport Assessment. This will be scoped with the Local Highway Authority and will include any junctions within the development area that need to be considered.

Developers are only required to mitigate their own development impact and are not required to address the existing network. Therefore, any trips on a junction that is currently above capacity still has to be considered on the level of additional impacts being generated and whether or not that impact is deemed to be severe. Severity is not defined and appeal cases to date suggest that only impacts that are detrimental to highway safety are objectionable, not those of capacity or journey time delay.

To list the junctions in FAV5 as being unlikely to be supported in forthcoming planning applications if further impacted is unreasonable and cannot be justified without a sound transport modelling evidence base. Should decisions be made without a sound evidence base then the applications are likely to end up in an appeal without the support of the Local Highway Authority and liable for costs awarded against the Local Planning Authority. It is the recommendation of the County Council as Local Highway Authority that FAV5 should be removed.

Policy FAV6 – Footpaths, Bridleways and Cycleways

Highways and Transportation: The County Council notes the statement within this policy which states that "Development not to encroach onto footpaths, bridleways or cycleways". It should be recognised that **there are** options for stopping up, diversion or extinguishment and creation that should be considered before a blanket ban is put on development that may encroach onto any public highway.

The Interpretation section of FAV 6 should also ensure that there is clear forward visibility along footpaths and that no part of a footpath is unknown to users.

PRoW: The County Council would recommend that this policy is renamed to the Public Rights of Way Network and Cycleway" rather than "Footpaths, Bridleways and Cycleways". The County Council notes that development contributions can be used to upgrade existing routes and/or create new links that connect to local amenities and public transport, address existing network fragmentation issues highlighted by the public. The County Council ROWIP should be specifically mentioned in all the above to aid decision-making and promote good design in both PRoW and countryside access management. The County Council is able to then advise on the design and delivery of these projects, ensuring that new routes successfully integrate with the existing PRoW network. KCC would welcome future engagement with the Town Council to consider local aspirations for access improvements and potential funding sources for the delivery of these schemes.

Within the Interpretation section, references to footpaths should be amended to PRoW. These should be open for natural surveillance, avoid proposals to divert onto estate roads, and again reference the ROWIP for policy.

3.5 Environment

FAV7 – Natural Environment and Landscape

Highways and Transportation: The County Council would recommend that this policy includes consideration of street trees to enhance street scenes, assist drainage, reduce harmful pollutants and mitigate high summer temperatures.

PRoW: The County Council would recommend that the policy makes reference to the need to consider adverse impact or loss of landscape and visual amenity on the PRoW network, the National Trail (England Coast Path) and cycle routes.

Biodiversity: The County Council has provided extracts of the policy below and provided direct commentary on the wording as currently drafted:

1. *Development must have no adverse impacts on green or blue infrastructure, including designated landscapes, nature recovery networks, habitat distinctiveness, wildlife and nature corridors, ecology, tidal marshes, and the Westbrook and Cooksditch Chalk Streams, and Thorn Creek (see figures 10; 11; 12; 13).*

It should be noted that where development will impact on these features (directly or indirectly), the impact and details of any appropriate mitigation must be demonstrated within an Ecological Impact Assessment, which shall be submitted and approved.

2. *Development must create an overall net gain in biodiversity of at least 20%, including through positive features in its design and landscaping.*

The County Council recommends that this policy is specific as to which applications will be required to deliver at least 20%. There have been issues caused within other areas where this type of policy also takes into account householder applications. The County Council would also draw attention to the Dunkirk Neighbourhood Plan where a similar policy was reduced to 10% as opposed to 20% though the Examination of the Neighbourhood Plan.

3. *Loss of green or natural landscape through development must be balanced though provision of green infrastructure, landscaping, planting and net gains to wildlife and biodiversity in the design and layout of development.*

The County Council clarifies that this must be demonstrated within the documents submitted as part of the planning application including the Ecological Impact Assessment, Landscaping plans and the Biodiversity Net Gain assessment.

4. *Trees, woodland and hedges must be retained and be incorporated into the layout and landscape design of development proposals. Where loss of trees, woodland or hedges is unavoidable, replacements should be provided nearby, using native species, to create a similar level of amenity*.

The County Council would recommend the inclusion of and wildlife functionality at the end of this sentence.

5. *Landscaping and planting should use native species.*

The County Council would recommend consideration of whether this should be a requirement to use native species as opposed to *should* to strengthen the policy.

FAV8 – Flooding and Surface Water

Sustainable Urban Drainage Systems: The County Council is supportive of FAV8 which states “4. Hard ground surface treatments must be permeable to allow water to penetrate.” The County Council, as Lead Local Flood Authority, would however advise that this could be

onerous on some developments given that the underlying geology may not be suitable for infiltration of surface water and so it would be advisable to include where appropriate.

Further to this KCC recommends consideration of brownfield sites within the Neighbourhood Plan and the redevelopment of these areas can provide valuable opportunities to improve and increase flood resilience through improvements to their existing drainage networks. Further advice and the County Council's recommendations can be found in KCC's Drainage and Planning Policy document (Appendix A).

FAV9 – Air Quality

PRoW: The County Council recommends that the policy should consider the impact of local air quality on PRoW users. There is no reference in the policy of the ROWIP that can develop safe walking and cycling routes both within a new development and connecting to the wider environment. Increasing levels of Active Travel participation improves public health and well-being, in addition to improving air quality by reducing short vehicle journeys and vehicle congestion.

3.6 Design

FAV10 – Sustainable Design and Character

PRoW: The County Council recommends that this policy includes reference to the opportunities offered for connectivity to the existing PRoW network.

3.7 Historic Buildings and Areas

Heritage Conservation: The heritage of Faversham goes well beyond the visible historic buildings and Conservation Areas. It also includes archaeological sites as noted above.

In addition, although the Neighbourhood Plan area is primarily urban in nature, it does contain a significant area of countryside. This rural area is a historic landscape that contains many surviving historic features, such as the patterns of tracks, lanes and hedgerows that give character to the area. When considering the impact of either development or intensive agriculture on the countryside, it is important to understand the historic development of the landscape so that its essential character can be conserved. The Kent Historic Landscape Characterisation (2001) has identified the broad historic character of the landscape of Kent. Where it is to be applied locally further study is needed to refine its conclusions, but it remains an essential tool for understanding the landscape within which the historic town of Faversham sits. To be fully effective in local planning and development control, the Historic Landscape Characterisation should be backed up by more detailed case-by-case analysis at a parish level, to add greater detail through secondary sources. This would make a good volunteer project for the Town Council, and KCC would be happy to discuss this further.

Given the potential of Faversham's archaeology and historic landscape, in addition to the historic buildings and Conservation Areas, KCC would suggest section 3.7 be re-titled as simply 'Heritage'.

Kent Historic Towns Survey (2003)

Heritage Conservation: The County Council welcomes the use of the Historic Towns Survey in the Neighbourhood Plan. Using the text of the survey as part of the evidence base will help developers and consultants be more aware of the archaeological implications of their proposals and thereby prepare more sensitive planning applications. It should be noted, however, that the Historic Town Survey is some years old (2003) and would benefit from being updated. This would make a good community project for a town with a significant local heritage sector as Faversham and KCC would be happy to discuss this further.

FAV11 - Heritage

Heritage Conservation: In relation to point 1, the County Council welcomes the commitment to heritage-led regeneration and the re-use of historic buildings.

In relation to point 3 (a), KCC welcomes the commitment to the conservation of the rural areas of the NP but feel the historic aspects could be more fully development. KCC would therefore suggest the text could be helpfully modified to:

The rural setting of Faversham Town Centre and Syndale, Ospringe, Preston-next-Faversham, and Faversham Conservation Areas, including the open and historic landscape between the Ham marshes and Bysingwood

In respect of point 3 (b), KCC welcomes the recognition of the role of historic industries in Faversham and the commitment to the conservation of relevant heritage assets.

In respect of point 3 (c), the County Council welcomes the use of the Urban Archaeological Zones from the Historic Towns Survey in the Neighbourhood Plan, noting the need for some updating as mentioned above.

3.8 Community Facilities

Sport and Recreation: KCC would also like any future provision of playing pitches to take the following into account:

- Need to increase the number of artificial pitches from one to three to meet the demand for rugby and football;
- Invest in grass pitch improvement to increase the capacity of already overused grass pitches;
- The access for King Georges Playing Fields (The Mount) and the Queen Elizabeth Grammar School in order to sustain and grow sporting provision on site; and
- Recognise that King Georges Playing Fields (The Mount) is at capacity and no further formal or informal community and sports facilities can be housed at the site.

3.11 Faversham Creek

PRoW: Public Footpath ZF39 and the England Coast Path National Trail (ECP) are aligned along the side of the Creek and the protection and enhancement of these assets should be included in the Key Issues.

FAV15 - Faversham Creek – Special Policy Area

PRoW: The County Council recommends policy consideration should seek to minimise impact on PRoW routes which offer significant leisure and tourism opportunities. Public Footpath ZF39 also provides connectivity to the West into the Town Centre and East to the surrounding network including National Cycle Route 1. This detail could be included within this policy.

3.12 Site Allocations

FAV17 - Swan Quay, Belvedere Road

PRoW: PRoW ZF39 and the England Coast Path (ECP) are on the site boundary. KCC recommends that point 3 of the policy should highlight that development should have no adverse impact on these routes.

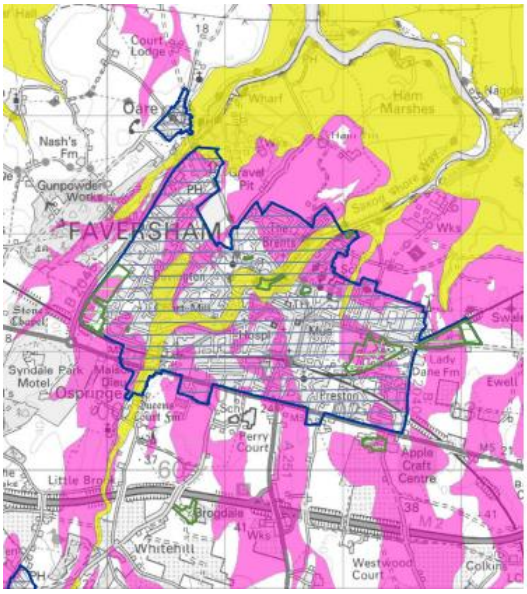
FAV18 - Queen Court Farmyard, Water Lane

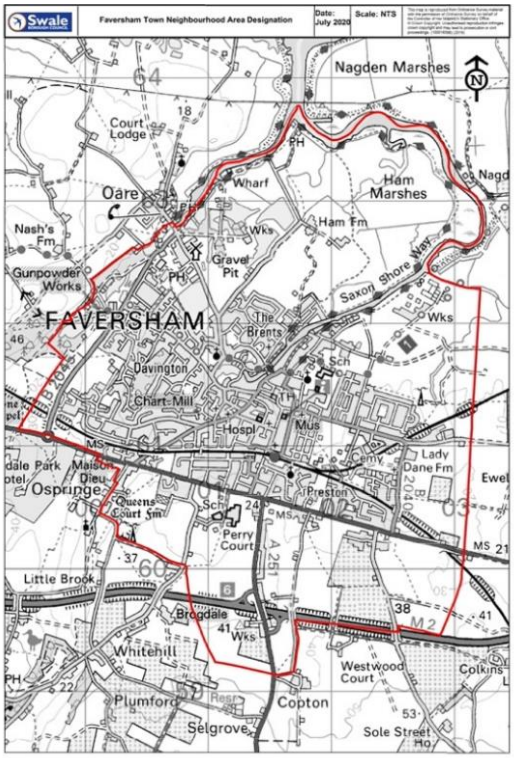
PRoW: The policy should include reference to the need for any future development to contribute to improvements of Public Footpath ZF11, which connects to the A2 and therefore Town Centre.

Minerals and Waste: The Minerals and Waste Planning Authority notes that the Neighbourhood Plan is entirely silent on waste and mineral planning matters.

Within the Neighbourhood Plan area, apart from the Faversham Household Waste Recycling Centre, there are no safeguarded waste management capacity or mineral handling, processing and transportation facilities within the plan's area.

The extracts from the Swale Borough Council Mineral Safeguarding Area Proposals Map of the adopted Kent Minerals and Waste Local Plan 2013-2030 (Early Partial Review 2020) (KMWLP) and the plan's outer boundaries below shows the safeguarded landwon minerals that occur in the plan's area:





Sub - Alluvial River Terrace Deposits

Brickearth (Faversham - Sittingbourne Area)

The sites identified in the Neighbourhood Plan are mainly within the main urban settlement area of Faversham and within this area, land-won mineral safeguarding does not apply.

However, at Queens Court Farm, Water Lane (Policy FAV18), this site is coincident with Sub-Alluvial River Terrace deposits. To ensure this site is acceptable, there is a requirement for investigations into the extent and quality of the potentially threatened with sterilisation safeguarded mineral with a Minerals Assessment. If the mineral deposit is found to be useable and cannot be extracted beforehand, the Minerals Assessment will identify which exemption to safeguard the mineral deposit is appropriate to invoke from Policy DM 7 of the KMWLP.

FAV19 - Former Coach Depot, Abbey St.

PRoW: PRoW ZF39 and the England Coast Path (ECP) are on the site boundary. KCC recommends that the policy should highlight that development should have no adverse impact on these routes. Point 6 refers to *a public walkway along the Creek edge* and any future development should therefore, in partnership with KCC and Natural England, seek to vary the route of the ECP to the Creek edge, away from the existing alignment on Abbey Street.

FAV22 The Railway Yard, Station Road

PRoW: The County Council recommends that reference is made to Public Footpath ZF24, which is within the site boundary. The County Council also understands that Swale Borough Council Active Travel are working on a project to improve the rail crossing and connectivity

on this route into the Town Centre. The County Council is also seeking to secure s106 appropriate funding from developments for improved connection along this route into the Town Centre and the Recreation Ground. The rail crossing safety must therefore be addressed, and these projects taken into consideration.

FAV23 – Chaff House & Car Park, North Lane

PRoW: The ECP is located on the south boundary, Conduit Street, and on Bridge Road. KCC recommends that the policy should highlight that development should have no adverse impact on these routes.

FAV25 – BMM Weston Ltd Parcel 1b & 1c Land at Brent Road

PRoW: The County Council notes that Public Footpath ZF40 is in close proximity to the south of the site. The County Council would recommend that the policy encourages development contributions towards improvements to the route. The ECP is adjacent to the site and KCC recommends that the policy should highlight that development should have no adverse impact on these routes.

FAV27 – BMM Weston Ltd Parcel 3 Land at Brent Road

PRoW: Public Footpath ZF40 is directly affected by this proposal. It is recommended that the policy should include reference to encouraging development contributions towards footpath improvements as part of the “community uses” in light of new residential use.

FAV28 – Former Frank & Whittsome Site, Belvedere Road

PRoW: The ECP and ZF39 is adjacent to the site and KCC recommends that the policy should highlight that development should have no adverse impact on these routes.

FAV29 – Other Sites

PRoW: In respect of Kiln Court, the County Council recommends that the policy must address development contributions towards for Public Bridleway ZF17 to improve pedestrian and cycle link onto Western Link.

Additional Comments

Highways and Transportation: In general terms the Neighbourhood Plan should also be considering limitations on any expansion or creation of new development proposals that would generate further HGV movements along the A2 corridor, particularly in the vicinity of Ospringe. It should also be thinking in terms of reducing crime and preventing pavement parking and inconsiderate parking by not supporting rear parking courts in new development that is often rarely used (unless options to park at the front of the house in the street is not possible). All parking standards should be aligned with the adopted Swale Parking Standards and more cycle parking facilities should be included at key destination in the town.

The County Council would also recommend consideration throughout the Neighbourhood Plan for more seating to be installed on longer walking routes between residential settlements and the town centre to encourage the elderly and less mobile to travel sustainably with the option to rest between their origin and destination.

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,

[redacted]

Stephanie Holt-Castle
Director for Growth and Communities

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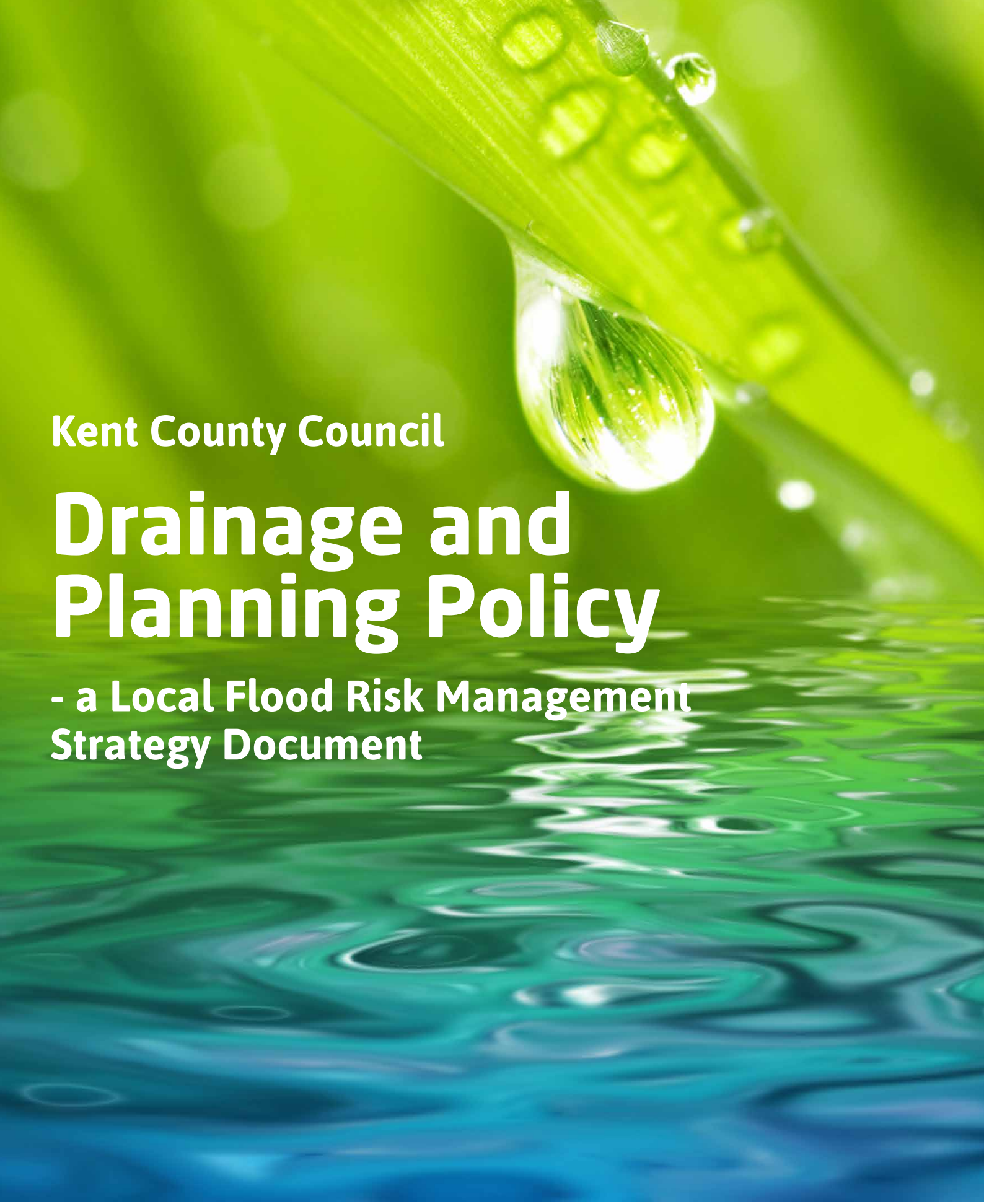
Appendix A: Kent County Council Drainage and Planning Policy



Kent County Council

Drainage and Planning Policy

- a Local Flood Risk Management Strategy Document

December 2019

Kent County Council kent.gov.uk

Table of contents

Date	Revisions details
October 2016	Clarification on technical matters; submission summary form.; pre-application advice; post-construction verification reports; standard advice.
June 2017	Further clarification of technical matters and amendments to general wording including revised M5-60, 50% reduction for brownfield sites, runoff control per soil type, discharge to highway systems, off-site drainage improvements and developer contributions.
November 2019	Clarification of drainage submission requirements and revised drainage policies to reflect latest changes in NPPF and include the requirements for a verification report and any changes as a result of consultation.

The overall policy will be assessed biennially and reviewed when National policy or other relevant policy changes occur.

1 Role of this Policy

This policy sets out how Kent County Council (KCC), as Lead Local Flood Authority (LLFA) and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development. It is consistent with the Non-Statutory Technical Standards for Sustainable Drainage (as published by Defra in March 2015) and sets out the policy requirements KCC has for sustainable drainage. It should be read in conjunction with any other policies that promote sustainable drainage, specifically:

- the National Planning Policy Framework and,
- any specific policy set out by the relevant Local Planning Authority

This policy is also supported by KCC guidance and policy provided in:

- Kent Design Guide Technical appendices ('Making It Happen') 2019;
- Water. People. Places - a guide for Masterplanning sustainable drainage in developments;
- KCC Land Drainage Policy

The aim of this policy document is to clarify and reinforce these requirements. It also includes references to other design considerations which impact sustainable drainage design and delivery.

This policy should be used by:

- developers when considering their approach to the development of new sites or redevelopment of brownfield sites;
- developers or their consultants when preparing submissions to support a planning application for major development;
- professionals involved in developing drainage schemes including engineering and urban and landscape professionals;
- development management officers when considering development applications,
- Local Authorities when developing local planning and land-use policy.

With this current update, we seek to ensure that multifunctionality of open space is now emphasised within development master planning. This provides an opportunity for Kent to look to wider benefits of sustainable drainage and strengthen policies for the delivery of drainage systems which are fully sustainable, thus providing quantity control, quality improvement, biodiversity enhancement and amenity. Changes to the National Planning Policy Framework (NPPF) in 2019 and Defra's 25-Year Environmental Plan[1] promote a robust approach to sustainable development.

[1]25-year Environment Plan, published January 2018 on www.gov.uk/government/publications/25-year-environment-plan

2 Introduction

2.1 Background

KCC was made a LLFA for Kent by the Flood and Water Management Act 2010 (the Act). As LLFA, KCC has a strategic overview of 'local flooding'. Local flooding is defined by the Act as flooding which is caused by:

- Surface water,
- Groundwater,
- Ordinary Watercourses

The management of surface water within new development is a key factor in managing local flooding.

Since commencement of the Act in 2010, the Government has assessed various means of promoting sustainable drainage systems. In April 2015, LLFAs were made statutory consultees in planning for surface water. Our understanding of local drainage and local flood risk presents a strong platform from which to provide advice and guidance to Local Planning Authorities on the management of surface water.

In undertaking this role KCC coordinates with the 12 local authorities as well as Kent's own planning department and the Ebbsfleet Development Corporation. Where appropriate we will also liaise with other relevant flood risk management authorities, such as the Environment Agency, sewerage undertakers and the county's Internal Drainage Boards (IDB).

2.2 Legislative Framework

As a LLFA within Kent, KCC is required under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('the Development Management Procedure Order') to provide consultation response on the surface water drainage provisions associated with major development.

Major development is defined within the Development Management Procedure Order as development that involves any one or more of the following:

(a) the winning and working of minerals or the use of land for mineral-working deposits;
(b) waste development;
(c) the provision of dwelling houses where:
    (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 and it is not known whether the development falls within sub-paragraph (c)(i);
(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
(e) development carried out on a site having an area of 1 hectare or more.

As a statutory consultee, KCC must provide a substantive response within 21 days of consultation (Article 22 of the Development Management Procedure Order). A substantive response is one which:

(a) states that the consultee has no comment to make;
(b) states that, on the basis of the information available, the consultee is content with the development proposed;
(c) refers the consultor to current standing advice by the consultee on the subject of the consultation; or
(d) provides advice to the consultor.

The Planning and Compulsory Purchase Act 2004 describes the duty to respond as a consultee, including the duty to report to the Secretary of State on compliance with the provision of substantive responses.

The Town and Country Planning (General Development Procedure Amendment No. 2, England) Order 2006 introduces the concept of Critical Drainage Areas as *"an area within Flood Zone 1 which has critical drainage problems and which has been notified [to] the local planning authority by the Environment Agency".* However, no Critical Drainage Areas have yet been defined within Kent and will not require further consultation.

2.3 Sustainable Drainage in Planning

Sustainable drainage systems are designed to control surface water as close to its source as possible. Wherever possible they should also aim to closely mimic the natural, pre-development drainage across a site. A well-designed sustainable drainage approach also provides opportunities to:

- reduce the causes and impacts of flooding;
- remove pollutants from urban run-off at source;
- combine water management with green space with benefits for amenity, recreation and wildlife.

The purpose of the planning system is to contribute to the achievement of sustainable development and deliver the requirements of the National Planning Policy Framework (NPPF). The use of sustainable drainage systems helps to achieve the sustainability objectives of the NPPF.

2.4 Design Strategies

Development has the potential to change surface water and ground water flows, depending upon how the surface water is managed within the development proposed. Planning applications for major development should therefore be accompanied by a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with KCC's sustainable drainage policies, as outlined within this document.

The drainage strategy must also demonstrate that the proposed surface water management proposal is consistent and integrated with any other appropriate planning policy and flood risk management measures that are required.

2.5 Strategic Consultation

As a LLFA, KCC has a consultation role in relation to the preparation of local plans, neighbourhood plans, strategic flood risk assessments and other planning instruments produced by Local Planning Authorities[2].

KCC will provide advice and guidance on local flood risks and appropriate policy for any area upon request.

KCC will also provide information to individuals and other organisations with respect to drainage and local flood risk for use in the preparation of other relevant planning documents upon request.

[2] National Planning Policy Guidance, Flood Risk and Coastal Change, paragraph 2.

3 Planning policy and guidance for drainage

This section sets out the sources of planning policy relevant to the management of surface water. These policies will form the basis of KCCs assessment of any submitted drainage strategy. The drainage strategy will need to demonstrate how the development meets these requirements.

3.1 NPPF

The National Planning Policy Framework (NPPF) was published on 27 March 2012 with further revisions in 2019; it sets out the Government's planning policies for England and outlines how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the relevant Local Planning Authority's development plan, following public consultation and with due regard for other material considerations.

The NPPF is a material consideration in the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development, excepting where adverse impacts significantly outweigh the benefits (or where specific policies indicate that development should be restricted). Flooding and drainage may also be considered material considerations in the determination of planning applications as their management contributes to sustainable development.

Paragraphs 155, 157, 163, 165 and 170 of the NPPF (Appendix A) have particular relevance to flooding and drainage. These paragraphs include consideration for area of flood risk, incorporation of sustainable drainage systems, taking account of advice from LLFA, operational standards, maintenance requirements and multifunctionality.

The NPPF is supported by the **Planning Practice Guidance**[3] which provides further advice on how planning can take account of the risks associated with flooding in plan-making and the application process.

3.2 Water Environment Regulations 2003

The Water Environment Regulations 2003 make provision for the purpose of implementing in river basin districts the Water Framework Directive (Directive 2000/60/EC of the European Parliament) which established a framework for Community action in the field of water policy. These regulations will remain in place until such time that UK law is revised to reflect changes in EU membership. These Regulations require a new strategic planning process to be established for the purposes of managing, protecting and improving the quality of water resources[4].

Therefore, this provides an opportunity to plan and deliver a better water environment, focusing on ecology. The WFD aimed for the water environment to reach 'good' chemical and ecological status in inland and coastal waters by 2015. Planning and programmes are continuing in six year cycles until 2027.

The WFD drives water quality improvement planning along total river catchment areas, with the production of River Basin Management Plans. The directive puts a duty on public bodies to have regard to river basin management plans (and associated supplementary plans) when exercising their functions where it may affect a river basin district.

Controlling water is inherent in the WFD's objectives, as uncontrolled surface flow or flooding can cause unmanageable water quality problems. Sustainable drainage principles are key to meeting the objectives of the WFD in its continuing cycles.

3.3 Habitats Regulation 2017

The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive[5]), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales.

The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

The sites where habitats and species are legally protected due to their exceptional importance are known as Natura 2000 sites; this network protects rare, endangered or vulnerable habitats and species. The Natura 2000 network includes Special Areas of Conservation (SACs, identified under the Habitats Directive), Special Protection Areas (SPAs, identified under the Birds Directive) and Ramsar sites (wetlands of international importance designated under the Ramsar Convention). All Natura 2000, or 'European', sites are also classified as Sites of Special Scientific Interest (SSSIs) but not all SSSIs are Natura 2000 sites.

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[3] The Planning Practice Guidance is a web-based resources which can be accessed from the Planning Portal at: http://planningguidance.planningportal.gov.uk/?s=Drainage&post_type=guidance

[4] This framework became UK law in December 2003

[5] More information on the Habitats Directive can be found at: http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

3.4 Defra's 25-Year Environment Plan

The 25 Year Environment Plan was published in January 2018; it sets out government action to tackle the growing problems we face in the environment and aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species, reduce risk of environmental hazards and promote sustainable development.

The plan is supported by the concept of natural capital, meaning it places value on natural assets, which includes geology, soils, water and all living organisms. Specific components of the Environment Plan are introduced in current updates of the NPPF.

The Environment Plan will need to be underpinned by law and enforced by a new legal framework for the environment to replace the system the EU currently provides. It is beneficial to be aware of the changes in legislation and policy indicated in this plan as it provides government direction to sustainable development.

3.5 Non-statutory technical standards for sustainable drainage

To support the LLFAs statutory consultee role, Defra published the 'Non-Statutory Technical Standards for Sustainable Drainage Systems' on 23 March 2015. These standards provide advice and guidance for the design, maintenance and operation of sustainable drainage systems[6].

Further guidance on the application of the Non-Statutory Technical Standards will be provided by Defra and associated stakeholders.

A summary of the requirements of these non-statutory standards in provided in Appendix B. The policies in this policy are consistent with the Non-Statutory Technical Standards.

3.6 Local Authority Guidance

Local Planning Authorities are ultimately responsible for determining planning applications and have numerous planning and policy documents to support the delivery of sustainable development within their districts.

3.6.1 Local Plans and Neighbourhood Plans

National planning policy places Local Plans at the heart of the planning system. Local Plans set out a vision and a framework for future development of the area. Local Plans should be based upon and reflect the presumption in favour of sustainable development. They should also address housing provision, the economy, community infrastructure and environmental issues such as adapting to climate change and ensuring high quality design.

The management of flood risk and surface water can be dealt with through policies for sustainable construction, flood risk, open space, landscape character and green infrastructure. These policies may be supported by further Supplementary Planning Documents or guidance notes.

Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Parish Councils and Neighbourhood Forums (where there is no Parish Council) and their communities can shape development in their areas through the production of Neighbourhood Development Plans. These plans become part of the Local Plan and the policies contained within them are then used in the determination of planning applications.

Any drainage strategy should make reference to relevant Local Plan and Neighbourhood Plan policies. It may also have to provide evidence which supports delivery of biodiversity, amenity and other benefits.

3.6.2 Supplementary planning documents

Some local authorities in Kent have specific drainage guidance, policies and standards for development within their district areas, which may include specific surface water discharge rates. Other local authorities may introduce similar guidance. These documents provide substantive guidance on how drainage should be delivered.

3.6.3 Strategic Flood Risk Assessments (SFRA)

Strategic Flood Risk Assessments are required to inform the development of Local Plans, as stated within the NPPF. A SFRA assesses the risk to an area from flooding from all sources, taking into account the effects of predicted climate change. They should also assess the impact that land use changes and development will have on flood risk within the district in question. Each Local Planning Authority in Kent has prepared and referenced a SFRA within their planning documents. These documents provide key information on the potential sources and magnitude of flooding and may provide information for specific site allocations.

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[6] The Non-statutory Technical Standards are published at: https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards

3.7 Kent County Council Guidance

The Local Flood Risk Management Strategy (the Local Strategy) for Kent sets out a countywide strategy for managing the risks from local flooding. One of the five objectives set out in the Local Strategy specifically states the importance of 'ensuring that development in Kent takes account of flood risk issues and plans to effectively manage any impacts'.

To support delivery of this objective, KCC has developed guidance to define the approach to planning and design of drainage. When considering surface water drainage within new developments in Kent, it is therefore recommended that reference is made to specific guidance and wider information available:

3.7.1 Water. People. Places – a guide for masterplanning sustainable drainage into developments

This guidance outlines the process for integrating sustainable drainage systems into the masterplanning of large and small developments[7]. This guidance should be used as part of the initial planning and design process for all types of development, with specific reference made to the relevant development typologies.

3.7.2 Kent Design Guide Technical Appendices: Making It Happen

The Kent Design Guide was produced to ensure that all new development results in vibrant, safe, attractive, liveable places. 'Making It Happen' comprises technical appendices that provide advice and guidance on the design and construction of drainage systems which KCC may be adopting.

The sustainability chapter (drainage systems) has been revised in May 2019 and contains specific technical guidance for drainage design.

3.7.3 Land Drainage Policy

KCC has powers under Section 23 of the Land Drainage Act 1991 to consent works in an ordinary watercourse and to enforce the removal of unconsented works.

Land Drainage regulations are generally concerned with the physical condition of watercourses, including whether they are blocked or how they are modified, including the introduction of new structures to them. This policy sets out how Kent County Council exercises these land drainage functions.

3.7.4 Surface Water Management Plans

Surface Water Management Plans (SWMPs) have been prepared by KCC (in partnership with other relevant stakeholders) to identify specific local actions to manage local flood risk. They have been undertaken in areas which were identified as a potential risk from local flooding in the Preliminary Flood Risk Assessment. These studies may provide a greater understanding of the current flood risk. Any proposed development should include consideration of any findings and recommendations of the relevant SWMP for the area. The areas covered by SWMPs are regularly being updated and can be found on the KCC website[8].

3.7.5 Kent Environment Strategy

As part of a county wide partnership, KCC has produced a Kent Environment Strategy– A strategy for environment, health and economy (KES) setting out how Kent and their partners propose to address significant opportunities and challenges from environmental change and development pressures (such as a need for improved air and water quality, decline in biodiversity and the impacts of climate change)[9]. It is accompanied by an implementation plan and includes partnership actions that will deliver against the priorities set out in the strategy. KCC adopted the strategy in January 2016 and has invited the District Councils to also adopt it to provide a basis for co-ordinated action.

The KES recognises that the environment is a key part of the infrastructure supporting the Kent economy. The strategy aims to make the most of environmental opportunities whilst addressing challenges arising from development pressures, need for improved air and water quality, decline in biodiversity and the effects of climate change.

3.8 Other Guidance & Tools

In approaching or reviewing design, technical aspects may need clarification and specification in order to satisfy KCC that it meets the required standard. KCC will make reference to good practice presented within the following documents, and would recommend that any designer also refers to:

3.8.1 CIRIA SuDS Manual (C753), 2015

This guidance document provides comprehensive information on the all aspects of the life cycle of sustainable drainage from initial planning, design through to construction and management including landscaping, waste management and costs.

3.8.2 Building Regulations

Building Regulations exist to ensure the health, safety, welfare and convenience of people in an around buildings. Part H of the Building Regulations specifically covers drainage. The consultation with the LLFA addresses flood risk to and from developments and does not replace any requirement for Building Regulation approval.

3.8.3 BS 8582:2013 Code of practice for surface water management for development sites

The British Standard gives recommendation on the planning, design, construction and maintenance of surface water management systems for new development and redevelopment sites in minimizing and/or mitigating flooding and maximizing the social and environmental benefits.

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[7] The document can be found at: www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/sustainable-drainage-systems

[8] SWMPs can be found at: www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/surface-water-management-plans

[9] The Strategy can be found at: http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/environmental-policies/kent-environment-strategy

3.8.4 UK Sustainable Drainage Guidance

The UK SuDS Tools website which provides estimation tools for the design and evaluation of surface water management systems. The website has been developed and is supported by HR Wallingford. The web site can be accessed at: https://www.uksuds.com/ .The website provides estimations for greenfield runoff, storage analysis and other tools.

3.8.5 Long Term Flood Risk Information

In 2013 the Environment Agency, working with LLFAs, produced the Long Term Flood Risk map, which depicts the risk associated with surface water flooding. The Risk of Flooding from Surface Water maps show flooding scenarios as a result of rainfall with the following chance of occurring in any given year (annual probability of flooding is shown in brackets): 1 in 30 (3.3%), 1 in 100 (1%), and 1 in 1000 (0.1%).

The Risk of Flooding from Surface Water map is published on the Gov.UK website on the "Long Term Flood Risk Information". This mapping is key to assessing overland flow routes and to identifying any locations at high risk of surface water flooding.

4 Drainage Consultation

4.1 Introduction

A drainage strategy should be submitted to the relevant Local Planning Authority along with any planning application for major development. It may either form part of a wider Flood Risk Assessment, or it can be submitted as a separate and dedicated standalone document.

Whilst consultation is not undertaken with KCC for minor development, applicants should be aware that the NPPF priorities for sustainable drainage do apply to all development, irrespective of scale (NPPF, Paragraph 163). Developers of sites for minor development are encouraged to consider the policies outlined in this document, as well as any local specific policy with respect to site drainage design. Applicants for these smaller developments are directed to guidance and standing advice on best practice to help minimise flood risk.

It is important that any consultation request we receive reflects the level of risk to a site (or the risk that may result from its development). Consequently, consultation may also occur for development, other than major development in areas of higher local flood risk, as described in Section 4.3.

Consultation on flood risk will also occur with other risk management authorities. For example, the management of tidal and fluvial flood risk and the prevention of inappropriate development in the associated flood-plain remains the responsibility of the Environment Agency. The Environment Agency is also responsible for the management of permitting regulations which may affect discharge to water bodies or the ground. Similarly, if any drainage scheme requires connection to a public sewer, additional approval will be required from the appropriate sewerage undertaker.

Within Flood Zones 2 or 3 (areas of medium/high tidal or fluvial flood risk), a Drainage Strategy should be a component of a wider Flood Risk Assessment and should outline how the management of runoff will not exacerbate the existing flood risk to/from the development proposed.

A Flood Risk Assessment should also be submitted with any application for planning permission on sites in excess of 1 ha in Flood Zone 1 (low flood risk); in these instances the Flood Risk Assessment/Drainage Strategy should be primarily concerned with the management of surface water within the proposed development site.

Other third parties, including but not limited to the Environment Agency, IDB, The Highways Authority, the Sewerage Undertaker and adjacent landowners, could have an effect on the design of a drainage system. Consultation with relevant third parties is essential early in the design process. This information should be provided as part of the consultation process.

4.2 Consultation Process

4.2.1 Overview

Consultation with KCC will occur through the planning process. KCC will be notified of the submission of a major planning application by the Local Planning Authorities within Kent (as defined in Section 2.5).

A substantive response to the LPA is legally required from KCC within 21 days of consultation.

4.2.2 Pre-application Advice

Incorporating appropriate drainage is easier and more sustainable if it is planned and designed in from the start of a development. KCC encourages pre-planning consultation to ensure that the issues are appropriately addressed at an early stage.

Pre-planning advice from KCC can provide the following benefits:

- background information to identify constraints and matters in relation to flood risk and drainage pertinent to the application;
- an indication of whether a proposal would be acceptable in principle, saving time and cost within the planning process;
- reduced time to prepare the proposal;
- provides clarification of the guidance and policies that will be applied to the development proposal;
- identifies whether specialist input is required; and,
- identification and engagement of other key stakeholders.

KCC's pre-application planning advice in relation to new development is discretionary and is provided as a chargeable service. Details and forms for pre-application advice is found on kent.gov.uk. Standing advice for specific development scenarios and types is also available on Kent's website[10].

We provide free advice to:

- individual homeowners who have specific drainage or flood related issues which may impact their own house for development; and,
- Parish councils, Local community groups, or Flood Forums on works proposed to improve local communities.

4.2.3 Planning application submission

The Local Planning Authority will confirm that a Drainage Strategy has been submitted with the planning application and pass it to KCC for consultation. KCC will review the submitted material for adequacy and, depending upon the submission, may request further information. This will be communicated to the applicant via the Local Planning Authority.

The drainage strategy submitted to support a planning application must reflect the development proposal (including site area, type of development, general arrangement and layout).

All elements of the proposed drainage strategy should be within the defined planning and development application boundary as defined by the development's "red-line" boundary. This ensures that planning approval and any subsequent conditions will apply to the entirety of the drainage measures. It would not be acceptable to have any drainage measures, most notably attenuation basins or soakaways outside of the planning application site boundary unless secured by other planning conditions, approvals or agreements.

In reviewing a drainage application, KCC will, in the first instance, confirm compliance with this policy, national planning policy (as defined in the NPPF), and compliance with the Non-Statutory Technical Standards. Local planning requirements (as set out in Local Plans or other local planning documents) and other site-specific land-use factors that affect surface water management will also be referenced, where appropriate. Additionally, KCC will consider adherence to wider environmental principles of the NPPF that may have a bearing on drainage design (for example, water quality, biodiversity and amenity).

A consultation response will be prepared and returned to the Local Planning Authority within the required 21 days following receipt of a suitably detailed submission. The consultation response may result in a request for further information or for planning conditions for subsequent determination.

[10] www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/sustainable-drainage-systems#tab-3

4.3 Consultation Submission Requirements

4.3.1 Introduction

Detailed information will be required to demonstrate that a drainage design is appropriate and will operate effectively. This information may be required for all drainage measures, including (but not limited to) pipe networks, attenuation features, ponds, soakaways and control structures.

Key design information must be evidenced and assessed. Key information which may be needed to demonstrate the feasibility or applicability of a design philosophy includes:

- existing discharge rates and post development discharge rates;
- ground investigation information, groundwater levels and infiltration rates;
- condition and connectivity surveys of receiving watercourses and sewers;
- ground level and topographical survey;
- deliverability of discharge destination and right to connect.

Detail of this technical information is provided in Chapter 6 of Making it Happen C2: Sustainable Drainage Systems. The lack of detailed technical information may increase the level of uncertainty we may have about the effectiveness of a drainage strategy. If the degree of uncertainty is great, this is that the proposal cannot clearly demonstrate a functioning system in line with requirements, then KCC will have grounds to object to the drainage proposal or may delay return of a substantive comment to the planning authority.

We therefore encourage pre-application discussion to identity any areas which may need further investigation or clarification to reduce any uncertainty with respect to the functioning of the system.

The detail provided in the submission will reflect the type of planning application submitted, whether 'outline' (Surface Water Management Strategy) or 'full' (Detailed Drainage Strategy) or discharge of condition (detailed design). The submission requirements are provided in Table 1 and are read as minimum requirements. It is expected that later stages of planning submissions will provide greater detail (such as estimates of storage vs modelled network calculations).

KCC recommends the inclusion of a summary sheet which contains pertinent information to assist in ensuring sufficient detail is submitted and to simplify the review process. A Drainage Strategy Summary Form is included in Appendix C.

We recommend that applicants confirm the submission requirements through pre-application discussion with KCC, particularly to identify any needs for ground investigation.

Table 1- Submission Requirements for stages of planning

Information required	Outline	Full	Reserved Matters	Discharge of Condition	Verification condition [11]
Identification of discharge destination					
Development information including location plan, site layout, and drainage schematic					
Surface water drainage strategy report or statement					
Calculation assumptions and results including impermeable areas, infiltration rates, network calculations and models					
Existing and proposed drainage arrangements			12		
Existing and proposed discharge rates					
Ground investigation reports/survey and soakage testing results					
Maintenance programs and access arrangements					13
As built drawings or tender construction drawings				14	
Exceedance plan [15]					
Catchment plans					
Water quality index					
Watercourse condition and connectivity					
Proposed detailed drainage network plans and cross-sections including cover and invert levels, locations of flow controls (Critical Drainage Assets)					
Attenuation device details including cross-sections					
Landscape Plan					
Discharge agreements, consents and/or evidence of third-party agreement for discharge to their system					
Phasing plan					
Identification or designation of maintaining authority/ organisation					

[11] specific requirement for confirmation of drainage. Please see section 4.3.5

[12] as required, where not already demonstrated in the original application
require greater design detail than previous planning stage Greatest amount of detail required

[13] Specific for each critical drainage asset

[14] Drawings of proposed construction

[15] includes conveyance, volume and depths

4.3.2 Large scale development

Surface water management strategies for large developments (with multiple phases) will require the submission of an overall drainage strategy at outline planning stage that provides the overall site drainage strategy and a framework for the delivery of the drainage in each phase of the site.

The Surface Water Management Strategy should set out the following for the whole site, and each phase:

- discharge destination(s);
- discharge rate and volume;
- catchment areas;
- estimated impermeable areas per phase and per catchment; and,
- phasing plan with timing of construction.

This Surface Water Management Strategy should act as an overall **drainage masterplan** for all phases of the development.

A Surface Water Management Strategy will be tied to a planning condition at the outline stage. Pre-application discussions are encouraged in the case of phased development to agree the level and detail of any strategic Surface Water Management Strategy and subsequent Detailed Drainage Strategies that will be required for each phase.

Depending upon the level of detail submitted at outline planning, it may be necessary to submit additional drainage information to accompany reserve matters associated with the layout to demonstrate that the Surface Water Management Strategy can be accommodated within the proposed layout.

Further details regarding the surface water management proposals for each phase of development should then be provided within a Detailed Drainage Strategy. Each phase must remain consistent with the overall site strategy and drainage masterplan.

Supporting information must be submitted to demonstrate that any variations can be accommodated within the site without exacerbating flood risk. The overall site Surface Water Management Strategy may be reviewed as different phases are delivered.

Large sites in close proximity or in one catchment are encouraged to cooperate or consult concurrently as there may be opportunities for combined solutions with mutual and greater benefit.

Any strategic drainage features that are required for the wider site's drainage strategy to function properly must be identified and delivered prior to the connection of the drainage from any phase or sub-phase. If a single site within a wider development (e.g. school or commercial site) is reliant upon the strategic drainage system, this must be clearly indicated within the phasing plan.

4.3.3 Consultation for minor and low risk development

Minor development will not normally be reviewed by KCC, unless specifically requested by the LPA due to local drainage concerns, existing or mapped surface water flood risk, or other matters identified by the LPA in relation to delivery of sustainable drainage.

In some instances, due to the size of the development or proposal, construction for drainage provision is not needed or substantial and therefore considered low risk. Low risk development for the purposes of consultation may be regarded, but not limited to:

- change of use[16];
- limited external building envelope alterations;
- or which results in less than 100 m^2 of additional impermeable area and which is not located in an area of existing flood risk or drainage problems.

4.3.4 Easements and way leaves

If any surface water flows off site and is required to cross third party land, then information must be submitted which demonstrates that the applicant has the ability to deliver the outfall from the site. This may require confirmation of agreement from a third-party landowner or confirmation of an agreed easement way leave.

4.3.5 Maintenance and verification

The design of any drainage system must take into consideration the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work.

The continued operation of any drainage system is dependent upon ongoing maintenance, which may be undertaken by an adopting authority or management agent. Any drainage strategy must include details of the intended adopting authority or agent and specific details of appropriate and sufficient maintenance, and then be confirmed in the verification report.

Developers will be required to demonstrate that the drainage was constructed according to the approved plans through post-construction verification reports. These reports will also include maintenance and requirements specific to the drainage system constructed. Detailed drainage layouts will be required which also identify "critical drainage assets[17]".

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[16] change of use where vulnerability is not increased

[17] KCC's definition of critical drainage assets would be those items of interest in relation to Section 21 (1A) of the Flood and Water Management Act (2010), namely any assets that are "likely to have a significant effect on a flood risk in its area" and could include items such as inlets, outlets, controls, attenuation structures etc. Further clarification can be provided by contacting KCC's Flood and Water Management team.

4.4 Adoptable highways and drainage

Most major development would normally include some aspect of highway construction or improvement, which may be adopted or require approval by KCC as the Highway Authority. The provision of drainage to adopted highways is normally subject to Section 38 or 278 Agreement, with approval and inspection by KCC as the Highway Authority.

Highway matters may be reviewed within the consultation by KCC as LLFA. KCC will endeavour to seek internal consultation on such matters; however, the detail provided within a planning submission may not be sufficient. The response from KCC as LLFA does not commit KCC as Highways Authority to any particular highways arrangement. The nature and extent of adoption should be confirmed with the Highways team at an appropriate time within the planning and design process.

Any review provided by KCC as LLFA within the planning process does not constitute a technical approval; however the LLFA's approval may be required prior to any further adoption by KCC as the Highways Authority.

5 Policies for Sustainable Drainage

5.1 Introduction

A range of sustainable drainage techniques may be utilised across a site to manage the surface water runoff from the planned development; the use of more than one technique will often be appropriate to achieve the objectives of sustainable development on any given site (notwithstanding situations which may still arise where a conventional solution may be the most appropriate).

Given the range of design options to provide a drainage solution, KCC has defined:

- **Drainage Policies (SuDS Policy 1 through 6) that set out the requirements for a drainage strategy to be compliant with the NPPF and guidance within the Non-Statutory Technical Standards for Sustainable Drainage.**
- **Environment Policies (SuDS Policy 7 through 9) that set out expectations to be considered within a drainage strategy in response to environmental legislation and guidance that KCC and the Local Planning Authorities have a duty to comply with.**

These policies, summarised in Table 2, reflect the requirements of the Local Flood Risk Management Strategy, Surface Water Management Plans and Local Planning Authority Local Plans. Sufficient information must be submitted to demonstrate that the drainage proposals comply with these policies.

Table 2: Kent County Council SuDS Policies

Policy	Summary
SuDS Policy 1	Follow the drainage hierarchy
SuDS Policy 2	Deliver effective drainage design
SuDS Policy 3	Maintain Existing Drainage Flow Paths & Watercourses
SuDS Policy 4	Seek to Reduce and Avoid Existing Flood Risk
SuDS Policy 5	Drainage sustainability and resilience
SuDS Policy 6	Sustainable Maintenance
SuDS Policy 7	Safeguard Water Quality
SuDS Policy 8	Design for Amenity and Multi-Functionality
SuDS Policy 9	Enhance Biodiversity

5.2 Drainage policies

These policies are specified from the NPPF and the guidance within the Non-Statutory Technical Standards for Sustainable Drainage, as published by Defra.

5.2.1 SuDS Policy 1: Follow the drainage hierarchy

Surface runoff not collected for use must be discharged according to the following discharge hierarchy:

- **to ground,**
- **to a surface water body,**
- **a surface water sewer, highway drain, or another drainage system, or**
- **to a combined sewer where there are absolutely no other options, and only where agreed in advance with the relevant sewage undertaker.**

The selection of a discharge point should be clearly demonstrated and evidenced.

When development occurs, the urbanisation process within a catchment affects the natural hydrology; if the destination of the water is altered this may result in:

- a reduced supply of rainfall to groundwater;
- an accelerated passage of flow to the receiving watercourses; and
- water directed away from existing receiving catchments.

In order to maintain the natural balance of the water cycle, the above discharge hierarchy must be adhered to. Where development results in changes in runoff destinations, the design must account for how the surface flows are managed and demonstrate it does not exacerbate off-site flood risk.

Any development application must follow the hierarchy and be accompanied by evidence as to why infiltration is not utilised. Technical information on the uses of infiltration is provided in Kent Design Making It Happen, including testing methodology and design criteria. Infiltration testing must assess infiltration rates appropriate to underlying ground conditions and may require consideration of both shallow and deep infiltration.

If infiltration is not feasible further information is required from appropriate authorities indicating the acceptability of a discharge location, discharge rate and consent to connect. This agreement may be with the relevant owner or responsible body including IDBs, highway authorities, sewerage undertakers, riparian owners, port authority, Environment Agency, Canals and River Trust and others.

Any connection or discharge must be compliant with regulations or guidance governing the operation of the existing drainage system (e.g. IDB by-laws or standard specifications for public sewers). Correspondence with the relevant owner or responsible body should be submitted to demonstrate agreement in principle to the discharge and connection point as early in the development planning process as possible.

If we are aware of a capacity issue or a sewer flooding issue that a sewer connection is likely to exacerbate, we will inform the Local Planning Authority and the sewerage undertaker. We may oppose any such proposal until it can be adequately demonstrated that the receiving authority has confirmed the acceptability of the intended rate of discharge.

Discharge to Ground

The drainage strategy may be constrained if the drainage discharges to the ground via infiltration in a source protection zone (specifically SPZ 1), area of low permeability or area with high groundwater. Consultation with the Environment Agency early in the planning process is recommended to identify any constraints or specific requirements in these areas, specifically in relation to groundwater contamination. We recommend reference to the EA's latest policy guidance on groundwater protection[18].

Discharge to Sewer

An existing connection to a sewer does not automatically set a precedent and it must be demonstrated why infiltration and/or a connection to a watercourse cannot be utilised. There is a presumption against any discharge of surface water to a foul sewer.

Combined sewer systems, which carry both foul and surface water, have limited capacity and are more likely to lead to foul flooding. In our commitment to ensuring development is sustainable, we will therefore seek to reduce surface water discharges to combined sewer systems.

We will encourage developers to look for available surface water systems within a radius of the proposed development before discharges to a combined sewer is agreed acceptable. For small developments surface water sewer connections should be assessed within 90m of the development site boundary. For larger development (over 100 units), a suitable distance for connection to a surface water sewer will be assessed at the time of planning, dependent upon the size and location of the development.

Where a surface water connection to an existing combined sewer is unavoidable, it must be undertaken in such a manner and at such a location to facilitate future separation of the surface water from that combined system.

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[18] The Environment Agency's approach to groundwater protection, February 2018 or latest version as published. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Envirnment-Agency-approach-to-groundwater-protection.pdf

Discharge to Highway Drains

KCC may consider surface water discharges into highway drainage sewers in the following circumstances:

a) the developer/property owner is prepared to upgrade the system where required to accommodate any increased flows; and,
b) there is a proven existing connection to the highway drainage systems.

Highway drainage connections should be raised in pre-application discussion with KCC to ensure there will be appropriate arrangements in place for highways and drainage adoption, where appropriate. Highways advice for planning applications is provided on the County's website. Please refer to Kent Design Guide - *'Making it Happen'.*

Other Consents

Other consents by regulation may be required in relation to the discharge location (e.g. Flood Risk Activity Permit and Ordinary Watercourse consent). KCC may recommend consultation with other authorities in these instances.

5.2.2 SuDS 2: Deliver effective drainage design

Any proposed new drainage scheme must manage all sources of surface water and should be designed to match greenfield discharge rates, and volumes as far as possible.

Development in previously developed land should also seek to reduce discharge rates and volumes off-site and utilise existing connections where feasible.

Drainage schemes should provide for exceedance flows and surface flows from offsite, ensure emergency ingress and egress and protect any existing drainage connectivity, so that flood risk is not increased on-site or off site.

Design Criteria

The drainage system must be designed to be consistent with pre-development flow rates and designed to operate without any flooding occurring during any rainfall event up to (and including) the critical 1 in 30 year storm (3.33% AEP). The system must also be able to accommodate the rainfall generated by events of varying durations and intensities up to (and including) the critical, climate change adjusted 1 in 100 year storm (1% AEP) without any on-site property flooding and without exacerbating the off-site flood-risk. The choice of where these volumes are accommodated may be within the drainage system itself or within other areas designated within the site for conveyance and storage.

Flooding of the highway **may** be permitted in exceptional circumstances for rainfall events between 1 in 30 year and 1 in 100 year events provided that:

- depths do not exceed the kerb height;
- no excessive or prolonged ponding (beyond 10 minutes) so that the highway primarily operates as a conveyance route to another attenuation feature;
- flood extents are within the site boundary.

Rainfall Simulation

KCC will generally require the use of the more detailed and up-to date FEH13 dataset within detailed drainage design submissions. Where FSR data is used to determine the extreme rainfall intensity values for a site, we would expect the FSR/FEH ratios depicted in Appendix 1 of the 'Rainfall runoff management for developments' report[19] (Environment Agency, 2013) to be used to adjust the calculated attenuation requirements.

If FEH13 is unavailable (and unless otherwise calculated), we will accept a rainfall depth M5-60 of 26.25 mm to be utilised in appropriate modelling software to account for this variation.

[19] http://evidence.environmentagency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/Rainfall_Runoff_Management_for_Developments_-_Revision_E.sflb.ashx

Runoff Rates

Greenfield runoff rates must be supplied. Preferred methods are IoH124, FEH, ReFH2 or others as agreed with KCC. The rates must reflect soil conditions specific to the site and applied to an appropriate drainage area consistently through the drainage strategy.

- Local District or Parish Greenfield Runoff Rates

Local planning policy may identify preferred discharge rates to be utilised in place of greenfield rates based upon a strategic flood risk assessment. In these areas, the preferred discharge rates should be utilised in the design.

KCC may also set strategic discharge rates to contribute to flood risk management within a district or parish council area; or to provide a more efficient approach to surface water management within a local area. If a strategic assessment of greenfield runoff rates has been undertaken by KCC, these rates must be utilised in design.

- Minimum discharge rates

Small sites are associated with low greenfield runoff rates. Given advances in technology and design of flow controls, it is now possible to achieve controlled flow rates of 2 l/s. This should be considered the minimum rate to be set for small sites, unless agreed with KCC.

- Capacity constraints

If the proposed development contributes to an area or network with known local flood risk issues or capacity constraints, then discharge rates and volume control specific to the local conditions will be specified. Developers may be required to provide flood risk modelling/ assessment to identify potential constraints.

- Previously developed land

Redevelopment on previously developed land or "brownfield land" has the potential to rectify or reduce flood risk. For developments which were previously developed, the peak runoff rate from the development must be as close to the greenfield runoff rate from the development as reasonably practicable for the same rainfall event, but must not exceed the rate of discharge from the development prior to redevelopment for that event. As a minimum we would expect to see evidence that a 50% reduction in the peak runoff rate from the existing site has been sought.

An assessment of the peak flow rate of an existing drainage system must consider: (a) the connectivity and condition of the drainage system; (b) the existing total impermeable area contributing to the drainage system; and (c) the pipe full capacity of the final 5m of the outfall pipe. Within all accompanying calculations, the post-redevelopment discharge rate must take account of the predicted effects of climate change.

Runoff characteristics for a previously developed site can be estimated by other methods as described within the CIRIA SuDS Manual (Chapter 24.5). It should be noted that if a simulation model for any existing network is utilised, the operation of the network must be confirmed by a network survey to establish the network arrangements, contributing areas and network condition.

Runoff Volumes

Runoff volumes from the developed site will usually increase in comparison to the site in its natural condition; this may increase flood risk in natural receiving systems. Controlling the volume of runoff from the site is therefore vital to prevent flood risk in natural systems. Within Kent, the need and type of volume control will vary according to the soil type present, which can be broadly broken down into the following categories:

- Highly permeable soils – in areas underlain by chalk, we will expect that use of infiltration will be maximised. With no off-site discharge, additional volume control will not be required
- Intermediate permeability soils - in these areas infiltration should still be maximised; offsite discharge should be limited to QBAR, (the mean annual flood flow rate, equivalent to an approximate return interval of 2.3 years). Where sites are small and flows are calculated to be less than 2 l/s, the minimum flow rate will apply of 2 l/s.
- Low permeability soils - areas underlain by largely impermeable soils (e.g. Weald clay and London clay) will require "staged" discharge.

This requires that rates mimic existing greenfield runoff rates of the 1:1 year, 1:30 year and 1:100 year storm events as long as long term storage is utilised for flow volumes in excess of the greenfield volume for the 1:100 year 6 hour event.

The long term storage volume must discharge at a rate no greater than 2 l/s/ha and the total flow rate must not exceed the 1:100 year greenfield flow rate.

If long term storage is not designed for, QBAR should be applied to all events from the 1:30 year rainfall event.

Exceedance

Exceedance flows that cannot be contained within the drainage system shall be managed in flood conveyance routes. The primary consideration shall be risks to people and property on and off site.

Exceedance should be considered in two parts; very high intensity storms to ensure bypass flows from overloaded pipework (including potentially blocked gullies due to debris), and overfilling of storage systems. Consideration of exceedance routes will ensure that any residual risk arising from either or these are safely managed.

Emergency access arrangements

Access should be maintained into and through the site for emergency vehicles during all storms up to (and including) the critical, climate-change adjusted 1 in 100 year event. The drainage application must give consideration to flood risk vulnerability classifications (as defined through Planning Practice Guidance to the National Planning Policy Framework), as specific measures or protections may be assessed and need to be agreed with the appropriate authority.

Unrestricted discharge rates

If the proposed system discharges to a watercourse or main river, consideration must also be given to any requirements due to high water levels in the receiving watercourse due either to tide (i.e. tide-locking) or flood flows. Attenuation volumes required onsite to manage flows must take into account the effects of high receiving water levels. This also applies to connection made to sewers.

If the proposed site is immediately adjacent to a watercourse or main river, there may be instances where direct discharge to the waterway is promoted without attenuation. This is only likely to be a recommendation on or immediately upstream from tidal areas. Direct discharge without attenuation or limited attenuation based on high (non-standard) discharge rates to a main river must be agreed in consultation with KCC and the Environment Agency.

Phased Delivery

If a proposed development is to be delivered in phases, a commitment should be made for a surface water management strategy to be delivered with the first phase of development, designed to be capable of accommodating the runoff from each of the subsequent phases. If this is not possible, the runoff from each separate phase must be controlled independently.

Whichever approach is taken, the control of surface water runoff during construction should be considered. Temporary works may be required to accommodate phased construction. Any temporary drainage measure must be identified and clearly shown on a drainage layout drawing.

5.2.3 SuDS Policy 3: Maintain Existing Drainage Flow Paths & Watercourses

Drainage schemes should be designed to follow existing drainage flow paths and catchments and retain where possible existing watercourses and features.

By mimicking the natural drainage flow paths and working within the landscape, more effective and cost-efficient design can be developed. Working with existing natural gradients also avoids any reliance on pumped drainage, with its associated energy use and failure risk. The natural environment including woods, trees and hedgerows can play a part in water management.

KCC encourages maintenance of the existing flow paths and drainage connectivity. Where this is the case the following conditions apply:

a) If the proposed development is reliant on an existing discharge point, then it is recommended that the condition and conveyance capacity is confirmed through CCTV or other survey with the discharge capacity confirmed.

b) Outfalls to ordinary watercourses should not occur to "blind-ended" ditches and should be part of a wider and contiguous drainage network.

Some sites may lie in or near more than one hydrological catchment. Surface water flows should be continued through the pre-development catchments and not diverted to adjacent catchments, in order to preserve the hydrology of catchments and prevent an increase in flood risk.

Ordinary Watercourses

An 'ordinary watercourse' is defined as any channel capable of conveying water that is not part of a 'main river'; Small rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) can all be classified as 'ordinary watercourses'.

When considering the development/redevelopment of any site, existing ordinary watercourses should be identified and accommodated within any drainage strategy and site masterplan. They should be preferably retained as an open feature within a designated corridor, and ideally retained within public open space. Any outfall to an ordinary watercourse should be designed to ensure there is adequate erosion protection for the receiving channel and its banks.

It is not sufficient to undertake earthworks to the top of the bank of a boundary ditch. Any site improvements should include the channel itself. The landowner has riparian responsibilities for these ditches and new development provides an opportunity to address any existing ditch issues such as excessive vegetation, channel clogging, culvert improvements or bank stability.

It is recommended that any discharge to an ordinary watercourse or any modification to an ordinary watercourse be identified and agreed in principle with KCC (or other consenting

authority if required) prior to the submission of any planning application. The ability of a watercourse to convey water (and to function as an effective exceedance flow route, where appropriate) will always need to be maintained.

Flood risk

For ordinary watercourses, developers may need to consider the potential flood risk arising from them, particularly where there are structures which might influence water levels. Where a risk from flooding has been identified, appropriate flood risk mitigation should be identified and agreed with the Local Planning Authority/ KCC; development should be avoided in any area likely to be affected by exceedance of the channel's capacity, reflecting requirements of SuDS Policy 4.

Culverts

Culverting of open watercourses will not normally be permitted (except where demonstrably essential to allow highways and/or other infrastructure to cross). In such cases culverts should be designed in accordance with CIRIA C689: Culvert Design and Operation Guide, (2010) and KCC's Land Drainage Policy. Culverts will not be approved below/ beneath any proposed structure.

If a culverted watercourse crosses a previously developed site, it should be reverted back to open channel, wherever practicable. In any such case, the natural conditions deemed to have existed prior to the culverting taking place should be re-instated.

Measures should be in place to ensure that any future owner of a property through which a watercourse passes is aware of their maintenance responsibilities as a riparian owner.

Under the terms of the Land Drainage Act 1991, any works within an ordinary watercourse will require consent under Section 23 of the Act. This will be either from KCC or from an IDB (in the areas where they operate). Consents are unable to be amended once granted so any changes to design will need to apply for Land Drainage consenting again. Consents cannot be granted retrospectively if works are undertaken prior to approval.

If land drainage consent is required in relation to the proposed development, we recommend that the submission of any application for consent is delayed until planning permission is granted, (excepting instances when consents are required to construct or upgrade site access) as the proposed site layout may be subject to further change. Please refer to KCC web pages for guidance on ordinary watercourse consents[20].

Overland flow paths

Account should be taken for any overland flow routes which cross the site from adjacent areas. Flow routes may be indicated by reference to the EA's surface water flow mapping however the magnitude of the contribution from upstream catchments should be assessed to determine flows and the extents of flooding. It is usually preferred that these flow routes would be accommodated within the development layout; however, flood assessment or more detailed modelling may be undertaken if these routes are to be modified or channelised. It is not acceptable to culvert overland flow routes.

5.2.4 SuDS Policy 4: Seek to Reduce and Avoid Existing Flood Risk

New development should be designed to take full account of any existing flood risk, irrespective of the source of flooding.

Where a site or its immediate surroundings have been identified to be at flood risk, all opportunities to reduce the identified risk should be investigated at the masterplanning stage of design and subsequently incorporated at the detailed design stage.

Remedial works and surface water infrastructure improvements may be identified in the immediate vicinity of the development to facilitate surface water discharge from the proposed development site.

Paragraph 165 of the National Planning Policy Framework outlines how flood risk management bodies should seek to manage flood risk through using opportunities offered by new development to reduce the causes and impacts of flooding, taking the predicted effects of climate change into account.

As LLFA, KCC will endeavour to ensure that this principle is applied across the County. Where a developer's Drainage Strategy has identified that there are existing flood risks affecting a site or its surroundings, there would be an expectation that the developer manages the identified risk appropriately to ensure that there are no on or off site impacts as a result of any development. Similarly, where there are opportunities to reduce the off-site flood risk through carefully considered on-site surface water management, we will encourage developers to explore these fully.

Avoiding areas of flood risk

All development should be preferentially located in the areas of lowest flood risk, irrespective of the source of flooding. At the earliest stages of masterplanning, an appropriate flood risk or drainage impact assessment should be undertaken to ensure that any vulnerable forms of development are located outside Flood Zones 2 or 3 and/or those areas identified as being at medium to high risk of surface water flooding. The Environment Agency's Flood Map for Planning and Long-Term Flood Risk pages should be referred to for this information.

Residential buildings should in the first instance not be located within any area indicated to be at high risk[21] from surface water flooding, according to the Long Term Flood Risk[22] maps or any local flood maps.

If development is unavoidable within a surface water flood risk or flow route, then the land use should be water compatible; designed and constructed to be flood resilient; having consideration of the estimated flow depths and be designed accordingly.

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[20] www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/owning-and-maintaining-a-watercourse

[21] High risk means that each year an area has a chance of flooding of greater than 3.3% (i.e equates to 1 in 30-year risk of flooding), with flood depths over 900mm and velocities over 0.25 m/s.

[22] https://flood-warning-information.service.gov.uk/long-term-flood-risk

Remedial works and infrastructure improvements

Local flood risk "hot spots" may be known to KCC or the local council in the vicinity of the proposed development. If the receiving system is in a poor condition and unable to convey flow effectively, remedial works may be required prior to connection or discharge to the system.

A condition survey of the outfall location and of the receiving system may be required to confirm connectivity and capacity along with any potential works required to ensure discharge can occur without impedance.

Dependent upon ownership and responsibilities, these works may be recognised as part of the development description for the proposed development as would occur for any infrastructure improvement to accommodate strategic growth, new connections and new local development.

5.2.5 SuDS Policy 5: Drainage Sustainability and Resilience

The design of the drainage system must account for the likely impacts of climate change and changes in impermeable area over the design life of the development. Appropriate allowances should be applied in each case.

A sustainable drainage approach which considers control of surface runoff at the surface and at source is preferred and should be considered prior to other design solutions.

Drainage infrastructure normally has a defined design life. This varies depending upon the nature of the system's components. The drainage must be designed to function properly to protect the development and downstream from flooding over this timeframe. This includes accommodating predictable changes, including climate change and urbanisation.

Climate Change

In 2016, the Environment Agency published new guidance on how to use climate change allowances in flood risk assessments. The guidance can be found at: www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

KCC require that the drainage design accommodates the 1 in 100 year storm with a 20% allowance for climate change, with an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%.

This analysis must determine if the impacts of the 40% allowance are significant and lead to any unacceptable flood risks (it is not normally expected that the site would not flood in this scenario, only that if this storm were to occur the impacts would be minimal i.e no flooding of property or sensitive infrastructure and no flooding leaves the site). The design may need to be modified to avoid any unacceptable risks, but may also need additional mitigation allowances, for example a higher freeboard on attenuation features or provision of exceedance routes. This will tie into designing for exceedance principles.

Sustainability

Design of drainage systems utilising a sustainable drainage design approach and reducing reliance on below ground systems in pipes and tanks, provides greater visibility for maintenance as well as many other benefits. Sustainable measures which control flow rates near to the source and which maximise natural losses through infiltration and evaporation are preferred. Operation of surface systems is also more easily observed.

Urban Creep

To take account of possible future conversion of permeable surfaces to impermeable over time (e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas). Consideration of urban creep should be assessed for residential developments.

An allowance for the increase of impermeable area from urban creep must be included in the design of the drainage system. The allowances set out in Table 3 must be applied to the impermeable area within the property curtilage according to the proposed dwelling density.

Table 3: impermeable area allowances for urban creep

Residential development density(Dwellings per hectare) (% of impermeable area)	Change allowance
≤ 25	10
30	8
35	6
45	4
≥ 50	2
Flats & Apartments	0

5.2.6 SuDS Policy 6: Sustainable Maintenance

Any proposed drainage schemes must be designed to be maintainable to ensure that that the drainage system continues to operate as designed and must be accompanied with a defined maintenance plan.

The drainage system must be designed to take account of the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work. Without maintenance, the function of drainage systems may alter. Increased leaf litter, sediments and colonisation of vegetation may clog drainage measures or impact the characteristics of operational controls.

Design to be maintainable

The drainage strategy must demonstrate that adequate access is available and practicable for personnel and equipment either through an appropriate layout or legal agreement to provide agreed access arrangements in perpetuity. Consideration should also be given to the Construction Design and Management regulations for health and safety purposes.

Wherever possible, it is preferable that drainage schemes should be designed at the surface to allow easy inspection and maintenance. Drainage maintenance can usually be incorporated as part of a typical landscape maintenance specification.

KCC recommends that shared drainage measures or drainage measures serving the wider development are located within common land or public open space to facilitate easy access and maintenance. Drainage measures which serve more than one property should not be located within back gardens or other private areas.

If the proposed development incorporates existing field ditches or ordinary watercourses, we would normally require a minimum setback of 5 m to 8 m (depending upon the location, and whether the ditch/watercourse falls within an IDB regulated area). This will allow the safe access and operation of any tracked machinery that may be required to undertake any maintenance works to the banks or channels, and provides a reasonable buffer for any flora and fauna within the watercourse.

We would generally recommend that new development is designed to facilitate the maintenance of existing watercourses, with roads or walkways being provided alongside at least one bank for access. Closed fence-lines to the rear of properties bordering a watercourse should be avoided owing to the maintenance difficulties and the potential for the inappropriate depositing of material beyond property boundaries.

With surface water drainage systems, a careful balance must be struck over the creation of habitats. The encouragement of certain protected species or creation of protected habitats may conflict with the regular maintenance works essential to ensuring long term functionality of the drainage measures. An awareness of any biodiversity objectives or site wide strategic ecological management plan should be considered as part of a maintenance plan for the drainage measures, specifically timing of vegetation cuts and silt removal to ensure no conflict with nesting birds or specific life stages of biota.

Where, in particular circumstances, underground techniques are used, more extensive inspection processes will be necessary, for example where longer pipe runs are used, CCTV surveys may be required. All inlet, outlet and control structures must be indicated and known to the appropriate adopting authority to be protected from blockage and located near the surface, to allow for easy management during routine maintenance visits.

Maintenance Plan

An operation and/or maintenance plan should be provided which indicates a schedule and time of activities, as well as critical controls or components of the drainage scheme. This plan should include an indication of the roles and responsibilities for each authority or organisation which may have a responsibility for maintenance activities. Any inter-connectivity with or reliance upon other drainage systems should be indicated.

KCC may work with LPAs to ensure that the drainage schemes associated with large, strategic, potentially problematic or sensitive sites have been established and are able to function in accordance with the approved plans and specifications.

Information on maintenance requirements will be required in early stages of planning submissions to demonstrate that adequate access is provided.

Verification report

KCC may also require the submission of a Verification Report after development completion (Appendix D). This report will demonstrate that the constructed drainage system operates as approved; will include the identification of "critical drainage assets"; and, will outline specific maintenance requirements and obligations for each drainage measure.

As LLFA, KCC has a duty to maintain a register of structures or features which are likely to have a significant effect on flood risk. Drainage schemes within new developments may include structures or features that will be required to be included within the register. Critical drainage assets which are not adopted by others will be recorded.

5.2.7 SuDS Policy 7: Safeguard Water Quality

When designing a surface water management scheme, full consideration must be given to the system's capacity to remove pollutants and to the cleanliness of the water being discharged from the site, irrespective of the receiving system.

Interception of small rainfall events should be incorporated into the design of the drainage system.

Paragraph 170 (e) of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to (or being put at unacceptable risk from) unacceptable levels of water pollution or land instability. Development should whenever possible help improve local environmental conditions.

Additionally, the Water Framework Directive has been established to improve and integrate the way water bodies are managed throughout Europe. It provides a legal framework to protect and restore clean water throughout Europe to ensure its long-term sustainable use. In particular it will help deal with diffuse pollution which remains a big issue following improvements to most point source discharges.

The design of any drainage proposal should therefore ensure that surface water discharges do not adversely impact the water quality of receiving water bodies, both during construction and when operational. Sustainable drainage design principles have the potential to reduce the risk of pollution, particularly through managing the surface water runoff close to the source and on the surface. Below grade pipes and tanks which are efficient for drainage purposes may not provide appropriate water quality treatment.

The CIRIA SuDS Manual describes a methodology for determining the hazard posed by land use activities (refer to Chapter 26 of the CIRIA SuDs Manual). A simple index approach enables an assessment of the pollution hazard and value of mitigation provided by the sustainable drainage measure. This assessment will be required for all applications.

Runoff from small rainfall events can pose a particular problem for water quality. The 'first flush' of runoff contains the initial high concentration load of pollutants that has built-up on surfaces during the preceding dry period. It is possible to get a high initial pollution concentration for relatively small rainfall events.

Rainfall events that are less than or equal to 5mm in depth also comprise more than half of the rainfall events that took place. The volume of runoff from these small events therefore can cumulatively contribute significantly to total pollutant loadings from the site over a specified period of time. Interception of an initial rainfall depth of 5mm for all rainfall events would mimic greenfield response characteristics in that runoff from small rainfall events do not generally produce any run-off.

KCC would expect that developers demonstrate that the first 5mm of any rainfall event can be accommodated and disposed of on-site, rather than being discharged to any receiving watercourse or surface water sewer. This can easily be achieved through the inclusion of sustainable drainage measures such as infiltration systems, rain gardens, bioretention systems, swales, and permeable pavement.

Where it proves exceptionally difficult to achieve this principle, it must be demonstrated that any water leaving the site has been appropriately treated to remove any potential pollutants.

When discharging to the ground, ground conditions and protection of any source protection zones should be confirmed.

Discharge to ground shall only occur within clean, competent, natural and uncontaminated ground and information should be provided to demonstrate that a sufficient unsaturated zone has been provided above the highest occurring groundwater level. Advice may need to be sought from the EA Groundwater team in relation to these matters, particularly in SPZ 1 and may require specific mitigation. Infiltration into Made Ground will not be accepted.

Construction Management Plan

The management and control of erosion and sediment should be considered throughout design and construction, operation and maintenance to ensure that no impact to offsite watercourses occurs.

Sedimentation can cause the loss of aquatic habitat, decreased fishery resources and can lead to increased flooding due to reduction in hydraulic capacity of the watercourse.

A Construction Management Plan will be required to demonstrate that erosion and sediment controls are adequately planned to protect water quality in receiving water environments. Any sites within a sensitive receiving catchment may require additional information. Situations in which this is a consideration will be confirmed through coordination with KCC's Biodiversity team and the Environment Agency.

5.2.8 SuDS Policy 8: Design for Amenity and Multi-Functionality

Drainage design must consider opportunities for inclusion of amenity and multi-functionality objectives and thus provide multi-functional use of open space with appropriate design for drainage measures within the public realm.

Local environmental objectives may identify other benefits which can be agreed to be delivered through appropriate design of the drainage system.

Amenity and Open Space

Where land performs a range of functions it affords a far greater range of social, environmental and economic benefits than might otherwise be delivered (Landscape Institute Position Statement, Green Infrastructure). Open spaces are often multifunctional, fulfilling several different valuable roles; for example, in the main they may be for recreational use, but they may also provide valuable wildlife habitat, an attractive landscape, paths for walking and cycling and space for community events.

Well-designed, open, sustainable drainage measures may also provide this degree of opportunity, optimising all of these functions in a way which fits with the surrounding landscape. For example, park areas which can be used as temporary flood storage during heavy rainfall events, and wetlands being used to deliver amenity value and habitat as well as water treatment. The aim should be to create networks of high quality open space which adapt for attenuation of surface water, sports and play and enhancement of biodiversity.

The integration of sustainable drainage measures into open spaces can introduce open water and variable ground surfaces into the public realm with associated risks of: drowning; slips, trips and falls; waterborne disease; and bird strike if near airports. The majority of potential risks can be assessed and removed through good site design. Reference should be made to best practice for appropriate design is provided in CIRIA's 'SuDS Manual'.

Multi-functional Design Benefits

Multi-functional design may also deliver other benefits as summarised in Table 4 (BS 8582 Code of Practice for Surface Water Management for Development Sites). New evaluation tools (B£ST Benefits Estimation Tool, CIRIA) may enable a full accounting of benefits to demonstrate economies and efficiencies to including specific design elements within the drainage provision. Simple elements such as inclusion of trees, or rain gardens within kerb build-outs may deliver other priorities being sought by the local authority.

Table 4: Multi functional surface water management design (Source: BS 8582:2013)

Infrastructure objective	Multi-functional surface water management system design and associated environmental value
1. Recreational opportunities	• Subsurface attenuation storage systems can be sited below permeable surfaces used for recreation • Infrequently flooded detention zones can also serve as recreational/amenity areas • Vegetated conveyance and/or storage systems can be designed to promote education, play and amenity value • Intensive green roofs can provide amenity landscape in dense urban settings • Surface water management components can be integrated with sustainable transport corridors (e.g. cycle routes) to maximize benefits
2. Water resources conservation	• Surface water run-off from roofs and uncontaminated paved surfaces, can be captured and stored for use • Rainwater harvesting systems can be designed to deliver surface water management benefits in addition to water supply (see BS 8515)
3. Habitats/ biodiversity enhancement	• Vegetated surface water management components, which store or convey water either temporarily or permanently, can often deliver locally important habitat • Such areas can contribute to urban "corridors" and "networks" of green (vegetated) and blue (water) spaces that support the movement of species
4. Traffic management	• Appropriately designed roads can provide, during times of extreme rainfall, short-term effective management of flood waters, either for conveyance or storage • Local road surfaces and pavements can often be designed to be pervious and allow run-off to infiltrate into the sub-base • Bioretention/biofilter zones can be integrated within pavement design to provide both traffic calming and stormwater management units • Vegetated swales running alongside roads can be designed to treat and control road run-off • Tree pits can be included to intercept run-off (with additional subsurface storage included within or adjacent to the pit)

5. Car parking	• Where the car parking surface is designed to be pervious, surface water can be stored and treated within the sub-base, prior to either controlled discharge, infiltration to the ground, or use. • Car parks can store additional volumes of floodwater above the surface during extreme events. • Vegetated strips, swales, bioretention systems and basins can be designed adjacent to the car park to treat and control run-off
6. Public education/ awareness	• Local community engagement strategies can deliver: • an understanding of the functionality and environmental importance of the surface water management system in mitigating human impacts • a commitment towards contributing to the management of the drainage components • an understanding of the health and safety risk management strategy for the site in relation to surface water • ideas as to how the system could be used to promote children's education strategies and increased local amenity benefits
7. Air temperature / urban heat island mitigation	• Urban cooling can be promoted via the return of moisture to the air through evaporation and evapotranspiration from vegetated surface water management features • Direct cooling can be provided by trees integrated within the surface water management system providing shade • Green roofs and vegetative surfaces reflect more sunlight and absorb less heat
8. Reduced energy use	• Green roofs provide good building insulation
9. Air quality improvement	• Trees, larger shrubs and vegetated surfaces used as part of the surface water management strategy can filter out airborne pollutants
10. Landscape character	• Well designed and integrated SuDS features can enhance aesthetic appeal and local landscape and townscape character and distinctiveness
11. Health benefits	• Green and blue space within developments promotes health benefits linked to increased outdoor recreation and a feeling of well being

5.2.9 SuDS Policy 9: Enhance Biodiversity

Drainage design must consider opportunities for biodiversity enhancement, through provision of appropriately designed surface systems, consideration of connectivity to adjacent water bodies or natural habitats, and appropriate planting specification.

Biodiversity is defined as the variety of life on Earth; designing to protect and enhance biodiversity is therefore essential. As a direct result of human activity, the rate of species extinction over the last 200 years is far higher than in any period of the preceding 65 million years[23]. In the UK, freshwater ecosystems are at the most risk and populations of key species have declined significantly.

The NPPF requires that Local Planning Authorities set out a strategic approach to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (NPPF para 171). Maximising the ecological value of drainage systems is consistent with national and local policies which aim to conserve and enhance biodiversity. This is underpinned by a variety of legislation including the biodiversity 'duty' for public bodies which is enshrined in the Natural Environment and Rural Communities (NERC) Act 2006.

Working with the landscape to provide drainage may promote other opportunities with greater benefits for biodiversity but also provide greater attractiveness. The linear nature of many SuDS features can help create green corridors through developments; these are important for wildlife and ensure that the associated development is connected with its surrounding environment.

KCCs 'SuDS and Biodiversity' project (2014) has demonstrated that drainage schemes within residential areas contribute to the biodiversity of the local area and provide important habitats for animals and plants that would otherwise be absent. In some cases invertebrate species of significant nature conservation value have been found.

A number of key factors were identified to strongly influence the biodiversity value of the sustainable drainage features. These included:

- connectivity with other waterbodies and habitats,
- planting assemblage and cover,
- waterbody design,
- retained water,
- fish/wild fowl presence, and
- water quality.

When assessing drainage design, particularly surface systems, it is important to consider the drainage scheme in the context of the surrounding landscape character area. Effective integration will also require carefully researched and selected plants, which work to improve the local green infrastructure.

The design of any drainage scheme can provide an opportunity for increasing biodiversity value by including surface vegetated systems with some retained water and through ensuring appropriate edge treatments and gradients. Review of engineering design by an ecologist may identify simple improvements in pond design and planting specification that would maximise the biodiversity potential.

Glossary

Aquifer	A source of groundwater compromising water-bearing rock, sand or gravel capable of yielding significant quantities of water.
Adopting authority	General term utilized in this guidance and relates to the authority that will ultimately manage the proposed drainage system
Attenuation	Attenuation is the process of water retention on site and slowly releasing it in a controlled discharge to a surface water or combined drain or watercourse. The amount of discharge will vary depending whether it is a brown or greenfield site. For brownfield sites the developer must determine the likely run off and agree an acceptable discharge with the LLFA, environment agency or water authority.
Brownfield site	Any land or site that has been previously developed.
Catchment	The area contributing surface water flow to a point on a drainage or river system.
CIRIA	Construction Industry Research and Information Association. www.ciria.org
Climate change	Long-term variations in global temperature and weather patterns both natural and as a result of human activity (anthropogenic) such as greenhouse gas emissions
Culvert	A structure which fully contains a watercourse as it passes through an embankment or below ground.
Development	The undertaking of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land.
EA	Environment Agency. Government Agency responsible for flooding issues from main river, and strategic overview of flooding.
Flood event	A flooding incident usually in response to severe weather or a combination of flood generating characteristics.
Flood risk	The combination of the flood probability and the magnitude of the potential consequences of the flood event.
Flood Risk Assessment	An appraisal of the flood risks that may affect development or increase flood risk elsewhere
Flood Zones	Flood Zones provide a general indication of flood risk, mainly used for spatial planning.

[23] www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/

Floodplain	An area of land that would naturally flood from a watercourse, an estuary or the sea.
Freeboard	A vertical distance that allows for a margin of safety to account for uncertainties.
Flood and Water Management Act	The Flood and Water Management Act clarifies the legislative framework for managing surface water flood risk in England.
Flow control device	A device used to manage the movement of surface water into and out of an attenuation facility.
Geocellular storage systems	Modular plastic systems with a high void ratio, typically placed below ground which allow for storage of storm water to infiltrate or discharge to another system.
Gravity drainage	Drainage which runs through pipework installed to a fall, and not therefore under pressure.
Greenfield	Undeveloped land.
Greenfield runoff rate	The rate of runoff which would occur from a site that was undeveloped and undisturbed.
Groundwater	Water that exists beneath the ground in underground aquifers and streams.
Groundwater flooding	Flooding caused by groundwater rising and escaping due to sustained periods of higher than average rainfall (years) or a reduction in abstraction for water supply.
Highway Authority	Body responsible for the management and maintenance of public roads
Impermeable	Will not allow water to pass through it.
Impermeable surface	An artificial non-porous surface that generates a surface water runoff after rainfall.
Infiltration	Infiltration or soakaway is the temporary storage of water to allow it to naturally soak away into the ground. Because water soaks into the ground gradually, reduces the risk of flooding downstream. Infiltration may be used where there is no surface water sewer or where existing systems are at full capacity. Infiltration helps to recharge natural ground water levels.

Internal Drainage Board (IDB)	An internal drainage board (IDB) is a public body that manages water levels in an area, known as an internal drainage district, where there is a special need for drainage. IDBs undertake works to reduce flood risk to people and property, and manage water levels for agricultural and environmental needs within their district. There are six IDBs in Kent:
	The River Stour Upper Medway Lower Medway Romney Marshes Area North Kent Marshes
Lead Local Flood Authority	Under the terms of the Flood and Water Management Act 2010, LLFAs are responsible for developing, maintaining and applying a strategy for local flood risk management in their areas and for maintaining a register of flood risk assets. They also have lead responsibility for managing the risk of flooding from surface water, groundwater and ordinary watercourses. Kent County Council are the LLFA within Kent.
Local Flood Risk Management Strategy	Strategy outlining the Lead Local Flood Authority's approach to local flood risk management as well as recording how this approach has been developed and agreed.
Main River	A watercourse designated on a statutory map of Main rivers, maintained by Department for Environment, Food and Rural Affairs (Defra).
Mitigation measure	A generic term used in this guide to refer to an element of development design which may be used to manage flood risk to the development, or to avoid an increase in flood risk elsewhere.
National Planning Policy Framework	Framework setting out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
Overland Flow	Flooding caused by surface water runoff when rainfall intensity exceeds the infiltration capacity of the ground, or when the soil is so saturated that it cannot accept any more water.
Permeability	A measure of the ease with which a fluid can flow through a porous medium. It depends on the physical properties of the medium.

Pitt Review	An independent review of the 2007 summer floods by Sir Michael Pitt, which provided recommendations to improve flood risk management in England.
Rainwater harvesting	Collection and Re-use or recycling of rainwater for the purpose of garden irrigation, car washing, toilet flushing etc.
Runoff	Water flow over the ground surface to the drainage system. This occurs if the ground is impermeable, is saturated or if rainfall is particularly intense.
Source Protection Zone	Defined areas showing the risk of contamination to selected groundwater sources used for public drinking water supply.
Strategic Flood Risk Assessment	A study to examine flood risk issues on a sub-regional scale, typically for a river catchment or local authority area during the preparation of a development plan.
Surface water flooding	Flooding caused by the combination of pluvial flooding, sewer flooding, flooding from open channels and culverted urban watercourses and overland flows from groundwater springs
Surface Water Management Plan	A study undertaken in consultation with key local partners to understand the causes and effects of surface water flooding and agree the most cost effective way of managing surface water flood risk for the long term.
SUDS	Sustainable (urban) drainage systems. A sequence of management practices and control structures that are designed to drain surface water in a more sustainable manner.
Watercourse	A term including all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices and passages through which water flows.

Appendix A. National Planning Policy Framework (Extract)

155	Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
157	All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below; b) safeguarding land from development that is required, or likely to be required, for current or future flood management; c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
163	When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment[50]. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
165	Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

170 Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising 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;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Appendix B. Non-Statutory Technical Standards for Sustainable Drainage

Flood risk outside the development
S1 Where the drainage system discharges to a surface water body that can accommodate uncontrolled surface water discharges without any impact on flood risk from that surface water body (e.g. the sea or a large estuary) the peak flow control standards (S2 and S3 below) and volume control technical standards (S4 and S6 below) need not apply.
Peak flow control
S2 For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.
S3 For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.
Volume control
S4 Where reasonably practicable, for greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.
S5 Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event.
S6 Where it is not reasonably practicable to constrain the volume of runoff to any drain, sewer or surface water body in accordance with S4 or S5 above, the runoff volume must be discharged at a rate that does not adversely affect flood risk.
Flood risk within the development
S7 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event.
S8 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

S9 The design of the site must ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

Structural Integrity

S10 Components must be designed to ensure structural integrity of the drainage system and any adjacent structures or infrastructure under anticipated loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance.

S11 The materials, including products, components, fittings or naturally occurring materials, which are specified by the designer must be of a suitable nature and quality for their intended use.

Designing for maintenance considerations

S12 Pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity.

Construction

S13 The mode of construction of any communication with an existing sewer or drainage system just be such that the making of the communication would not be prejudicial to the structural integrity and functionality of the sewerage or drainage system.

S14 Damage to the drainage system resulting from associated construction activities must be minimised and must be rectified before the drainage system is considered to be completed.

Appendix C. Drainage Strategy Summary

1. Site details	
Site/development name	
Address including post code	
Grid reference	E N
LPA reference	
Type of application	Outline ☐ Full ☐ Discharge of Conditions ☐ Other ☐
Site condition	Greenfield ☐ Brownfield ☐

2. Existing drainage			Document/Plan where information is stated:
Total site area (ha)			
Impermeable area (ha)			
Final discharge location	Infiltration ☐ Watercourse ☐ Sewer ☐ Tidal reach/sea ☐		
Greenfield discharge rate (l/s) for existing site area	QBAR (l/s)		
	1 in 1 year (l/s)		
	1 in 30 year (l/s)		
	1 in 100 year (l/s)		
3. Proposed drainage areas			**Document/Plan where information is stated:**
Impermeable area (ha)	Roof		
	Highway/road		
	Other paved areas		
	Total		
Permeable area (ha)	Open space		
	Other permeable areas		
	Total		
Final discharge location	Infiltration ☐ Infiltration rate _____m/s Watercourse ☐ Sewer ☐ Tidal reach/sea ☐		
Climate change allowance included in design	20% ☐ 30% ☐ 40% ☐		

4. Post-Development Discharge rates, without mitigation			**Document/Plan where information is stated:**
Developed discharge rates (l/s)	1 in 1 year		
	1 in 30 year		
	1 in 100 year		
	1 in 100 year + CC		

5. Post-Development Discharge rates, with mitigation			**Document/Plan where information is stated:**
Describe development drainage strategy in general terms:			
(a) No control required, all flows infiltrating ☐			
(b) Controlled developed discharge rates (l/s)	1 in 1 year		
	1 in 30 year		
	1 in 100 year		
	1 in 100 year + CC		

6. Discharge Volumes			**Document/Plan where information is stated:**
	Existing volume (m^3)	Proposed volume (m^3)	
1 in 1 year			
1 in 30 year			
1 in 100 year			
1 in 100 year + CC			

All information presented above should be contained within the attached Flood Risk Assessment, Drainage Strategy or Statement and be substantiated through plans and appropriate calculations.

Form completed by	
Qualifications	
Company	
Telephone	
Email	
On behalf of (client's details)	
Date	

Appendix D. Drainage Asset Record Sheet for Verification Report

IDENTIFICATION	Type of Structure or Feature	
	Location Name	
	Drawing Identifier	
MANAGEMENT/ OWNERSHIP	Owners Name / Company	
	Address of owner	
	Owners Contact Number	
	Maintained By	
	Adoption proposed	☐ YES ☐ NO
	Name of Adopting Authority	
	Estimated Date of Adoption	
ASSET DETAILS	National Grid Reference (NGR)	
	Cover Level	
	Invert Level	
	Max volume	
	Height	
	Diameter/Width	
	Length	
	Depth	
	Designed Flow Rate	
	Any Additional Uses	

Growth and Communities

Invicta House
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ME14 1XX

Phone: 03000 423203
Ask for: Alessandra Sartori
Email: alessandra.sartori@kent.gov.uk

Swanley Town Council
Civic Centre
St Marys Road
Swanley
BR8 7BU

BY EMAIL ONLY

24 February 2023

Dear Sir / Madam,

Re: Swanley Neighbourhood Plan – Regulation 14 Consultation

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

Vision And Objectives For The Neighbourhood Plan

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve PRoW in the county. PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. KCC is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the KCC Rights of Way Improvement Plan (ROWIP) and Framing Kent's Future (2022-2026). KCC intends for people to enjoy, amongst others, a high quality of life with opportunities for an active and healthy lifestyle, improved environments for people and wildlife, and the availability of sustainable transport choices.

The Neighbourhood Plan does not refer to the ROWIP, a statutory strategic document. KCC would therefore recommend that reference is made to the ROWIP throughout the Neighborhood Plan, which will assist successful partnership working, deliver improvements to the PRoW network in the town, and help avoid loss of access to funding opportunities.

The Neighbourhood Plan's Vision and Objectives allow considerable opportunity for maintaining and enhancing the local PRoW network, and therefore make a significant contribution in delivering the Neighbourhood Plan's overall aims. For example, the PRoW network can enhance community connectivity and cohesion; improve local environments by reducing local traffic congestion and improving air quality; support personal health and well-being of individuals and groups; and support local economies, whether in providing passing trade such as with a cafe, or larger supply businesses as with cycle users. However, KCC recognises that the Neighbourhood Plan only makes a single reference to PRoW (page 76). The local PRoW network could support the parish in various ways, for example, PRoW could be recognised as part of the broad definition of Community Infrastructure (pages 20-31), and should therefore be given positive regard in this Neighbourhood Plan.

Sustainable Development Strategy For Swanley

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, is concerned that little consideration has been given to surface water, the risk of flooding and sustainable drainage solutions.

KCC understands that there is limited provision for new builds given the developed area within the parish, however, it would be useful if a statement or policy could be provided within this section with regards to '*New developments proposing a surface water discharge rate which matches or is less than that existing (the Greenfield Run off Rate) will be permitted'*. Similarly, the County Council would also expect for brownfield development sites to strive to achieve the same, in line with the KCC Drainage and Planning Policy Document (Appendix A).

Community Infrastructure

Education: The County Council, as Education Planning Authority, raises concern that incorrect data has been used in respect of the education figures. KCC would strongly urge that the Steering Group reviews the KCC Commissioning Plan for Education Provision in Kent (2022-2026) for up-to-date data, and that the Neighbourhood Plan is revised accordingly. The County Council would strongly recommend the Steering Group engaging with KCC as Local Education Authority (LEA) to ensure correct data is included in respect of education and the LEA's role to be able to advise in the development of any policies moving forward.

Sustainable Urban Drainage Systems (SuDS): KCC would advise the Steering Group to consider the use of public open space for the management of surface water within the Neighbourhood Plan, to deliver multifunctional benefits as set out in Policy 8 of the KCC Drainage and Planning Policy Document (Appendix A). For example, to consider whether new developments should utilise existing open space areas permanently for regular rainfall events. The County Council would encourage this use to be commensurate with the designation of open space.

Sport and Recreation: The County Council would advise that reference is made to the outdoor bowls club (Beechenlea Lane, BR8 8DR), and the indoor club next to Whiteoak Leisure Centre (Garrolds Close, BR8 7BF). KCC has funded new changing rooms for the rugby club at the outdoor club and considers this to be a new 'hub'.

KCC is pleased that the Neighbourhood Plan acknowledges the displacement of sports clubs. The Neighbourhood Plan refers to the redevelopment of the Orchards Academy to mitigate these clubs, however, KCC is concerned that this is not a resolution and is uncertain on the progress of the redevelopment. KCC would therefore ask that they are kept informed of any progress on this issue.

Housing

PRoW: The County Council acknowledges that the Neighbourhood Plan is not seeking to allocate future housing development sites, relying instead on Sevenoaks District Council's Local Plan allocation. KCC expects Sevenoaks District Council to protect these paths should detailed plans come forward for the sites. However, the Neighbourhood Plan should support retention of these and all PRoW in the parish by including a specific policy supporting protection of PRoW where development is proposed, and also seeking their enhancement for the benefit of path users. KCC would draw attention to Policy SwC2 - Open Space as a similar example.

Transport

Highways and Transportation: The County Council, as Local Highway Authority, is supportive of the transport policies within the Neighbourhood Plan.

PRoW: The County Council would welcome partnership with the Steering Group to ensure consistency with standards around the county PRoW network and the various applicable statutory procedures, such as realising the ambition to up-grade footpaths for cycling in Policy SwT3 – Cycling.

KCC is also encouraged to note the concept of active travel within the Neighbourhood Plan, which is a key policy for KCC and within the emerging Sevenoaks Local Plan. However, KCC recognises that the term is only loosely defined, and would therefore recommend that a definition is stated. This will ensure that references are consistently interpreted so designers of future developments and Sevenoaks District Council give it due weight in preparing and determining future planning applications. The definition used by KCC for its Active Travel Strategy is recommended for inclusion within the Neighbourhood Plan.

Policy SwT3 – Cycling

PRoW: In addition to the cycle schemes proposed in Policy SwT3, the County Council would recommend the following additional possible schemes:

- Walking and cycling routes connecting Swanley town with Swanley Village, Eynsford, Farningham, towards Hockenden.
- It may be possible to uplift existing Public Footpaths SD83 and SD338 from Heathwood Gardens to the A20 underpass and connection to Hockenden Lane (with support to upgrade a footpath west of the A20).

These schemes would require feasibility work and for the Steering Group to work jointly with neighbouring councils. They would also benefit Swanley residents, not just in providing valuable access to surrounding communities and countryside but, in working actively with neighbouring councils who similarly can secure funding, then pooling resources should increase the likelihood of delivering such improvements. This will also help inform any future Local Cycling and Walking Infrastructure Plans, moving forward.

Policy SwT7 – Transport Infrastructure Planning

PRoW: The County Council supports the stated Objective *'to propose specific projects to improve the community infrastructure of Swanley'* and presumes this would be realised by Policy SwT7 – Transport Infrastructure Planning. KCC would advise the Steering Group to consider cross-referencing within the Neighbourhood Plan to ensure clarity and to assist with on-going monitoring. KCC has provided the following comments in respect of this aim:

- Both the Objective and Policy SwT7 seek to propose projects whereas they would have more impact and relevance if they were extended to also include delivery;
- Policy SwT7 refers to proposals yet only one project is listed. KCC would request clarification on whether this is an omission from the Neighbourhood Plan;
- Any list of projects should be able to be added to, including by residents, and kept under constant review to ensure its relevance. This will ensure it is useful evidence when Sevenoaks District Council is seeking comments for its future Infrastructure Delivery Plan;
- The list of projects, which could include those stated in Policy SwT3 amongst others, should include big and small projects. Sometimes residents' concerns may be overcome by laying a few metres of surfacing or replacing gates or other barriers that prove an inconvenience or even a bar on public access; and
- Swanley Town Council is already familiar with CIL funding, and, for those smaller projects, these could be funded from its CIL allocation. The Steering Group is able to exercise its own discretion to allocate these monies, ensuring visible returns from development within the community.

General Comments:

PRoW: The County Council recognises that the Neighbourhood Plan period has not been clearly defined. It is recommended that this is clarified and stated across the document so that its relevance and applicability is understood. It is further advised that review periods are established and stated to ensure the Neighbourhood Plan remains relevant, and progress is monitored and acknowledged.

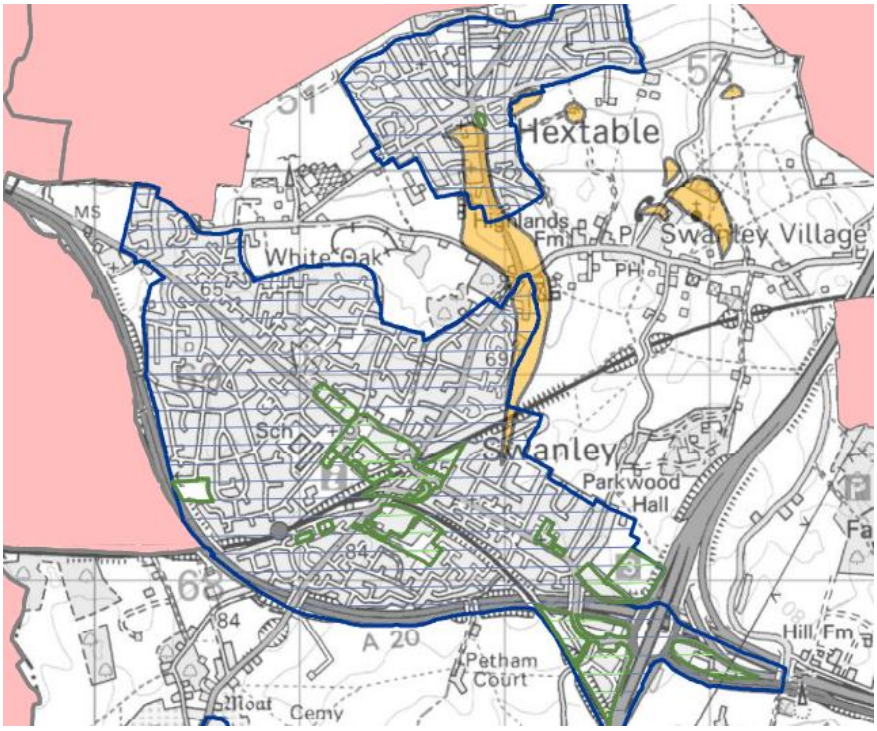
The Neighbourhood Plan acknowledges the National Planning Policy Framework (NPPF) in determining the location and design of development, including promotion of sustainable

transport (page 76). The County Council wishes to highlight various NPPF paragraphs which are relevant to PRoW, including paragraphs 92, 93, 98 100, 104, 106 and 112.

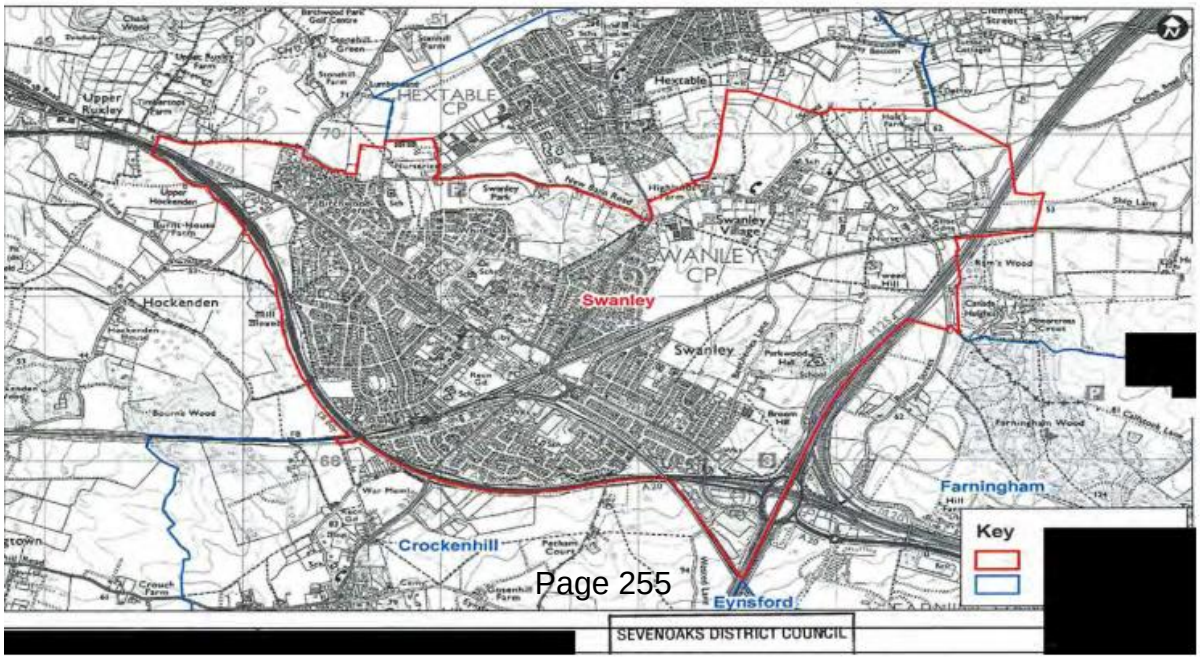
Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, can confirm that there are no safeguarded waste management or mineral handling and processing infrastructure within the area of the Neighbourhood Plan.

However, there are some safeguarded land-won minerals which are the River Terrace Deposits. These are shown in the orange colour wash below in the extract from the Sevenoaks District Council Mineral Safeguarding Areas proposal map, that are in the area of the Neighbourhood Plan.

Sevenoaks District Council - Mineral Safeguarding Areas Proposals Map



The Red Line Boundary Plan of the Neighbourhood Plan Area



The Neighbourhood Plan does not propose any allocations for development that are coincident with the safeguarded land-won minerals and is reliant on the Sevenoaks District Local Plan to address the housing needs of the area.

The adopted Core Strategy (2011) for the area identifies Swanley as a secondary strategic development location, however, it does not allocate any specific development sites. The adopted Allocations and Development Management Plan does allocate sites in Swanley, including within the Neighbourhood Plan area, none of which are coincident with the safeguarded land-won minerals.

KCC would recommend that reference is made to safeguarded minerals within the Neighbourhood Plan and that any allocations for development that are coincident with these deposits, either from the emerging Sevenoaks Local Plan or as additional allocations in the Neighbourhood Plan for Swanley, would have to ensure that they have been assessed against the mineral safeguarding policy requirements of the Kent Minerals and Waste Local Plan 2013-2030.

Biodiversity: The County Council has reviewed the Neighbourhood Plan and recognises that there is no ecology/nature chapter. KCC considers this to be an omission in respect of the wildlife legislation and policy in place, particularly with the forthcoming secondary legislation to the Environment Act to require Biodiversity Net Gain (BNG). The County Council understands that Swanley has notable habitats in the area, including acid grasslands which are a habitat of principal importance. There are also protected/notable species (including reptiles) present within the area so biodiversity should not be disregarded within the Neighbourhood Plan.

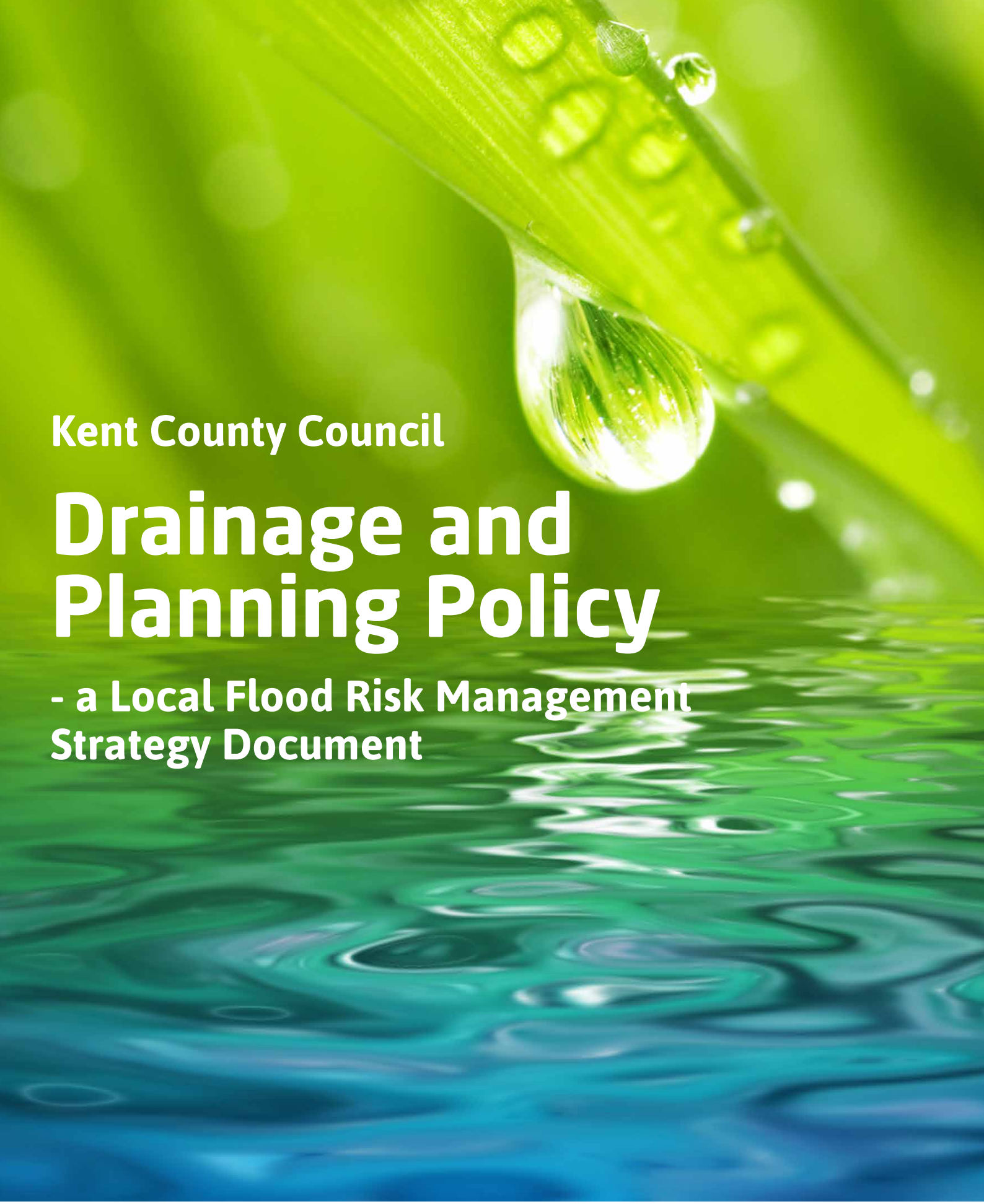
KCC would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours faithfully,

[redacted]

Stephanie Holt-Castle
Director for Growth and Communities

Encs:
Appendix A: KCC Drainage and Planning Policy Document



Kent County Council

Drainage and Planning Policy

- a Local Flood Risk Management Strategy Document

December 2019

Kent County Council
kent.gov.uk

Table of contents

Date	Revisions details
October 2016	Clarification on technical matters; submission summary form.; pre-application advice; post-construction verification reports; standard advice.
June 2017	Further clarification of technical matters and amendments to general wording including revised M5-60, 50% reduction for brownfield sites, runoff control per soil type, discharge to highway systems, off-site drainage improvements and developer contributions.
November 2019	Clarification of drainage submission requirements and revised drainage policies to reflect latest changes in NPPF and include the requirements for a verification report and any changes as a result of consultation.

The overall policy will be assessed biennially and reviewed when National policy or other relevant policy changes occur.

1 Role of this Policy

This policy sets out how Kent County Council (KCC), as Lead Local Flood Authority (LLFA) and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development. It is consistent with the Non-Statutory Technical Standards for Sustainable Drainage (as published by Defra in March 2015) and sets out the policy requirements KCC has for sustainable drainage. It should be read in conjunction with any other policies that promote sustainable drainage, specifically:

- the National Planning Policy Framework and,
- any specific policy set out by the relevant Local Planning Authority

This policy is also supported by KCC guidance and policy provided in:

- Kent Design Guide Technical appendices ('Making It Happen') 2019;
- Water. People. Places - a guide for Masterplanning sustainable drainage in developments;
- KCC Land Drainage Policy

The aim of this policy document is to clarify and reinforce these requirements. It also includes references to other design considerations which impact sustainable drainage design and delivery.

This policy should be used by:

- developers when considering their approach to the development of new sites or redevelopment of brownfield sites;
- developers or their consultants when preparing submissions to support a planning application for major development;
- professionals involved in developing drainage schemes including engineering and urban and landscape professionals;
- development management officers when considering development applications,
- Local Authorities when developing local planning and land-use policy.

With this current update, we seek to ensure that multifunctionality of open space is now emphasised within development master planning. This provides an opportunity for Kent to look to wider benefits of sustainable drainage and strengthen policies for the delivery of drainage systems which are fully sustainable, thus providing quantity control, quality improvement, biodiversity enhancement and amenity. Changes to the National Planning Policy Framework (NPPF) in 2019 and Defra's 25-Year Environmental Plan[1] promote a robust approach to sustainable development.

[1]25-year Environment Plan, published January 2018 on www.gov.uk/government/publications/25-year-environment-plan

2 Introduction

2.1 Background

KCC was made a LLFA for Kent by the Flood and Water Management Act 2010 (the Act). As LLFA, KCC has a strategic overview of 'local flooding'. Local flooding is defined by the Act as flooding which is caused by:

- Surface water,
- Groundwater,
- Ordinary Watercourses

The management of surface water within new development is a key factor in managing local flooding.

Since commencement of the Act in 2010, the Government has assessed various means of promoting sustainable drainage systems. In April 2015, LLFAs were made statutory consultees in planning for surface water. Our understanding of local drainage and local flood risk presents a strong platform from which to provide advice and guidance to Local Planning Authorities on the management of surface water.

In undertaking this role KCC coordinates with the 12 local authorities as well as Kent's own planning department and the Ebbsfleet Development Corporation. Where appropriate we will also liaise with other relevant flood risk management authorities, such as the Environment Agency, sewerage undertakers and the county's Internal Drainage Boards (IDB).

2.2 Legislative Framework

As a LLFA within Kent, KCC is required under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('the Development Management Procedure Order') to provide consultation response on the surface water drainage provisions associated with major development.

Major development is defined within the Development Management Procedure Order as development that involves any one or more of the following:

(a) the winning and working of minerals or the use of land for mineral-working deposits;
(b) waste development;
(c) the provision of dwelling houses where:
    (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 and it is not known whether the development falls within sub-paragraph (c)(i);
(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
(e) development carried out on a site having an area of 1 hectare or more.

As a statutory consultee, KCC must provide a substantive response within 21 days of consultation (Article 22 of the Development Management Procedure Order). A substantive response is one which:

(a) states that the consultee has no comment to make;
(b) states that, on the basis of the information available, the consultee is content with the development proposed;
(c) refers the consultor to current standing advice by the consultee on the subject of the consultation; or
(d) provides advice to the consultor.

The Planning and Compulsory Purchase Act 2004 describes the duty to respond as a consultee, including the duty to report to the Secretary of State on compliance with the provision of substantive responses.

The Town and Country Planning (General Development Procedure Amendment No. 2, England) Order 2006 introduces the concept of Critical Drainage Areas as *"an area within Flood Zone 1 which has critical drainage problems and which has been notified [to] the local planning authority by the Environment Agency".* However, no Critical Drainage Areas have yet been defined within Kent and will not require further consultation.

2.3 Sustainable Drainage in Planning

Sustainable drainage systems are designed to control surface water as close to its source as possible. Wherever possible they should also aim to closely mimic the natural, pre-development drainage across a site. A well-designed sustainable drainage approach also provides opportunities to:

- reduce the causes and impacts of flooding;
- remove pollutants from urban run-off at source;
- combine water management with green space with benefits for amenity, recreation and wildlife.

The purpose of the planning system is to contribute to the achievement of sustainable development and deliver the requirements of the National Planning Policy Framework (NPPF). The use of sustainable drainage systems helps to achieve the sustainability objectives of the NPPF.

2.4 Design Strategies

Development has the potential to change surface water and ground water flows, depending upon how the surface water is managed within the development proposed. Planning applications for major development should therefore be accompanied by a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with KCC's sustainable drainage policies, as outlined within this document.

The drainage strategy must also demonstrate that the proposed surface water management proposal is consistent and integrated with any other appropriate planning policy and flood risk management measures that are required.

2.5 Strategic Consultation

As a LLFA, KCC has a consultation role in relation to the preparation of local plans, neighbourhood plans, strategic flood risk assessments and other planning instruments produced by Local Planning Authorities[2].

KCC will provide advice and guidance on local flood risks and appropriate policy for any area upon request.

KCC will also provide information to individuals and other organisations with respect to drainage and local flood risk for use in the preparation of other relevant planning documents upon request.

[2] National Planning Policy Guidance, Flood Risk and Coastal Change, paragraph 2.

3 Planning policy and guidance for drainage

This section sets out the sources of planning policy relevant to the management of surface water. These policies will form the basis of KCCs assessment of any submitted drainage strategy. The drainage strategy will need to demonstrate how the development meets these requirements.

3.1 NPPF

The National Planning Policy Framework (NPPF) was published on 27 March 2012 with further revisions in 2019; it sets out the Government's planning policies for England and outlines how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the relevant Local Planning Authority's development plan, following public consultation and with due regard for other material considerations.

The NPPF is a material consideration in the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development, excepting where adverse impacts significantly outweigh the benefits (or where specific policies indicate that development should be restricted). Flooding and drainage may also be considered material considerations in the determination of planning applications as their management contributes to sustainable development.

Paragraphs 155, 157, 163, 165 and 170 of the NPPF (Appendix A) have particular relevance to flooding and drainage. These paragraphs include consideration for area of flood risk, incorporation of sustainable drainage systems, taking account of advice from LLFA, operational standards, maintenance requirements and multifunctionality.

The NPPF is supported by the **Planning Practice Guidance**[3] which provides further advice on how planning can take account of the risks associated with flooding in plan-making and the application process.

3.2 Water Environment Regulations 2003

The Water Environment Regulations 2003 make provision for the purpose of implementing in river basin districts the Water Framework Directive (Directive 2000/60/EC of the European Parliament) which established a framework for Community action in the field of water policy. These regulations will remain in place until such time that UK law is revised to reflect changes in EU membership. These Regulations require a new strategic planning process to be established for the purposes of managing, protecting and improving the quality of water resources[4].

Therefore, this provides an opportunity to plan and deliver a better water environment, focusing on ecology. The WFD aimed for the water environment to reach 'good' chemical and ecological status in inland and coastal waters by 2015. Planning and programmes are continuing in six year cycles until 2027.

The WFD drives water quality improvement planning along total river catchment areas, with the production of River Basin Management Plans. The directive puts a duty on public bodies to have regard to river basin management plans (and associated supplementary plans) when exercising their functions where it may affect a river basin district.

Controlling water is inherent in the WFD's objectives, as uncontrolled surface flow or flooding can cause unmanageable water quality problems. Sustainable drainage principles are key to meeting the objectives of the WFD in its continuing cycles.

3.3 Habitats Regulation 2017

The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive[5]), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales.

The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

The sites where habitats and species are legally protected due to their exceptional importance are known as Natura 2000 sites; this network protects rare, endangered or vulnerable habitats and species. The Natura 2000 network includes Special Areas of Conservation (SACs, identified under the Habitats Directive), Special Protection Areas (SPAs, identified under the Birds Directive) and Ramsar sites (wetlands of international importance designated under the Ramsar Convention). All Natura 2000, or 'European', sites are also classified as Sites of Special Scientific Interest (SSSIs) but not all SSSIs are Natura 2000 sites.

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[3] The Planning Practice Guidance is a web-based resources which can be accessed from the Planning Portal at: http://planningguidance.planningportal.gov.uk/?s=Drainage&post_type=guidance

[4] This framework became UK law in December 2003

[5] More information on the Habitats Directive can be found at: http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

3.4 Defra's 25-Year Environment Plan

The 25 Year Environment Plan was published in January 2018; it sets out government action to tackle the growing problems we face in the environment and aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species, reduce risk of environmental hazards and promote sustainable development.

The plan is supported by the concept of natural capital, meaning it places value on natural assets, which includes geology, soils, water and all living organisms. Specific components of the Environment Plan are introduced in current updates of the NPPF.

The Environment Plan will need to be underpinned by law and enforced by a new legal framework for the environment to replace the system the EU currently provides. It is beneficial to be aware of the changes in legislation and policy indicated in this plan as it provides government direction to sustainable development.

3.5 Non-statutory technical standards for sustainable drainage

To support the LLFAs statutory consultee role, Defra published the 'Non-Statutory Technical Standards for Sustainable Drainage Systems' on 23 March 2015. These standards provide advice and guidance for the design, maintenance and operation of sustainable drainage systems[6].

Further guidance on the application of the Non-Statutory Technical Standards will be provided by Defra and associated stakeholders.

A summary of the requirements of these non-statutory standards in provided in Appendix B. The policies in this policy are consistent with the Non-Statutory Technical Standards.

3.6 Local Authority Guidance

Local Planning Authorities are ultimately responsible for determining planning applications and have numerous planning and policy documents to support the delivery of sustainable development within their districts.

3.6.1 Local Plans and Neighbourhood Plans

National planning policy places Local Plans at the heart of the planning system. Local Plans set out a vision and a framework for future development of the area. Local Plans should be based upon and reflect the presumption in favour of sustainable development. They should also address housing provision, the economy, community infrastructure and environmental issues such as adapting to climate change and ensuring high quality design.

The management of flood risk and surface water can be dealt with through policies for sustainable construction, flood risk, open space, landscape character and green infrastructure. These policies may be supported by further Supplementary Planning Documents or guidance notes.

Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Parish Councils and Neighbourhood Forums (where there is no Parish Council) and their communities can shape development in their areas through the production of Neighbourhood Development Plans. These plans become part of the Local Plan and the policies contained within them are then used in the determination of planning applications.

Any drainage strategy should make reference to relevant Local Plan and Neighbourhood Plan policies. It may also have to provide evidence which supports delivery of biodiversity, amenity and other benefits.

3.6.2 Supplementary planning documents

Some local authorities in Kent have specific drainage guidance, policies and standards for development within their district areas, which may include specific surface water discharge rates. Other local authorities may introduce similar guidance. These documents provide substantive guidance on how drainage should be delivered.

3.6.3 Strategic Flood Risk Assessments (SFRA)

Strategic Flood Risk Assessments are required to inform the development of Local Plans, as stated within the NPPF. A SFRA assesses the risk to an area from flooding from all sources, taking into account the effects of predicted climate change. They should also assess the impact that land use changes and development will have on flood risk within the district in question. Each Local Planning Authority in Kent has prepared and referenced a SFRA within their planning documents. These documents provide key information on the potential sources and magnitude of flooding and may provide information for specific site allocations.

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[6] The Non-statutory Technical Standards are published at: https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards

3.7 Kent County Council Guidance

The Local Flood Risk Management Strategy (the Local Strategy) for Kent sets out a countywide strategy for managing the risks from local flooding. One of the five objectives set out in the Local Strategy specifically states the importance of 'ensuring that development in Kent takes account of flood risk issues and plans to effectively manage any impacts'.

To support delivery of this objective, KCC has developed guidance to define the approach to planning and design of drainage. When considering surface water drainage within new developments in Kent, it is therefore recommended that reference is made to specific guidance and wider information available:

3.7.1 Water. People. Places – a guide for masterplanning sustainable drainage into developments

This guidance outlines the process for integrating sustainable drainage systems into the masterplanning of large and small developments[7]. This guidance should be used as part of the initial planning and design process for all types of development, with specific reference made to the relevant development typologies.

3.7.2 Kent Design Guide Technical Appendices: Making It Happen

The Kent Design Guide was produced to ensure that all new development results in vibrant, safe, attractive, liveable places. 'Making It Happen' comprises technical appendices that provide advice and guidance on the design and construction of drainage systems which KCC may be adopting.

The sustainability chapter (drainage systems) has been revised in May 2019 and contains specific technical guidance for drainage design.

3.7.3 Land Drainage Policy

KCC has powers under Section 23 of the Land Drainage Act 1991 to consent works in an ordinary watercourse and to enforce the removal of unconsented works.

Land Drainage regulations are generally concerned with the physical condition of watercourses, including whether they are blocked or how they are modified, including the introduction of new structures to them. This policy sets out how Kent County Council exercises these land drainage functions.

3.7.4 Surface Water Management Plans

Surface Water Management Plans (SWMPs) have been prepared by KCC (in partnership with other relevant stakeholders) to identify specific local actions to manage local flood risk. They have been undertaken in areas which were identified as a potential risk from local flooding in the Preliminary Flood Risk Assessment. These studies may provide a greater understanding of the current flood risk. Any proposed development should include consideration of any findings and recommendations of the relevant SWMP for the area. The areas covered by SWMPs are regularly being updated and can be found on the KCC website[8].

3.7.5 Kent Environment Strategy

As part of a county wide partnership, KCC has produced a Kent Environment Strategy– A strategy for environment, health and economy (KES) setting out how Kent and their partners propose to address significant opportunities and challenges from environmental change and development pressures (such as a need for improved air and water quality, decline in biodiversity and the impacts of climate change)[9]. It is accompanied by an implementation plan and includes partnership actions that will deliver against the priorities set out in the strategy. KCC adopted the strategy in January 2016 and has invited the District Councils to also adopt it to provide a basis for co-ordinated action.

The KES recognises that the environment is a key part of the infrastructure supporting the Kent economy. The strategy aims to make the most of environmental opportunities whilst addressing challenges arising from development pressures, need for improved air and water quality, decline in biodiversity and the effects of climate change.

3.8 Other Guidance & Tools

In approaching or reviewing design, technical aspects may need clarification and specification in order to satisfy KCC that it meets the required standard. KCC will make reference to good practice presented within the following documents, and would recommend that any designer also refers to:

3.8.1 CIRIA SuDS Manual (C753), 2015

This guidance document provides comprehensive information on the all aspects of the life cycle of sustainable drainage from initial planning, design through to construction and management including landscaping, waste management and costs.

3.8.2 Building Regulations

Building Regulations exist to ensure the health, safety, welfare and convenience of people in an around buildings. Part H of the Building Regulations specifically covers drainage. The consultation with the LLFA addresses flood risk to and from developments and does not replace any requirement for Building Regulation approval.

3.8.3 BS 8582:2013 Code of practice for surface water management for development sites

The British Standard gives recommendation on the planning, design, construction and maintenance of surface water management systems for new development and redevelopment sites in minimizing and/or mitigating flooding and maximizing the social and environmental benefits.

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[7] The document can be found at: www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/sustainable-drainage-systems

[8] SWMPs can be found at: www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/surface-water-management-plans

[9] The Strategy can be found at: http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/environmental-policies/kent-environment-strategy

3.8.4 UK Sustainable Drainage Guidance

The UK SuDS Tools website which provides estimation tools for the design and evaluation of surface water management systems. The website has been developed and is supported by HR Wallingford. The web site can be accessed at: https://www.uksuds.com/ .The website provides estimations for greenfield runoff, storage analysis and other tools.

3.8.5 Long Term Flood Risk Information

In 2013 the Environment Agency, working with LLFAs, produced the Long Term Flood Risk map, which depicts the risk associated with surface water flooding. The Risk of Flooding from Surface Water maps show flooding scenarios as a result of rainfall with the following chance of occurring in any given year (annual probability of flooding is shown in brackets): 1 in 30 (3.3%), 1 in 100 (1%), and 1 in 1000 (0.1%).

The Risk of Flooding from Surface Water map is published on the Gov.UK website on the "Long Term Flood Risk Information". This mapping is key to assessing overland flow routes and to identifying any locations at high risk of surface water flooding.

4 Drainage Consultation

4.1 Introduction

A drainage strategy should be submitted to the relevant Local Planning Authority along with any planning application for major development. It may either form part of a wider Flood Risk Assessment, or it can be submitted as a separate and dedicated standalone document.

Whilst consultation is not undertaken with KCC for minor development, applicants should be aware that the NPPF priorities for sustainable drainage do apply to all development, irrespective of scale (NPPF, Paragraph 163). Developers of sites for minor development are encouraged to consider the policies outlined in this document, as well as any local specific policy with respect to site drainage design. Applicants for these smaller developments are directed to guidance and standing advice on best practice to help minimise flood risk.

It is important that any consultation request we receive reflects the level of risk to a site (or the risk that may result from its development). Consequently, consultation may also occur for development, other than major development in areas of higher local flood risk, as described in Section 4.3.

Consultation on flood risk will also occur with other risk management authorities. For example, the management of tidal and fluvial flood risk and the prevention of inappropriate development in the associated flood-plain remains the responsibility of the Environment Agency. The Environment Agency is also responsible for the management of permitting regulations which may affect discharge to water bodies or the ground. Similarly, if any drainage scheme requires connection to a public sewer, additional approval will be required from the appropriate sewerage undertaker.

Within Flood Zones 2 or 3 (areas of medium/high tidal or fluvial flood risk), a Drainage Strategy should be a component of a wider Flood Risk Assessment and should outline how the management of runoff will not exacerbate the existing flood risk to/from the development proposed.

A Flood Risk Assessment should also be submitted with any application for planning permission on sites in excess of 1 ha in Flood Zone 1 (low flood risk); in these instances the Flood Risk Assessment/Drainage Strategy should be primarily concerned with the management of surface water within the proposed development site.

Other third parties, including but not limited to the Environment Agency, IDB, The Highways Authority, the Sewerage Undertaker and adjacent landowners, could have an effect on the design of a drainage system. Consultation with relevant third parties is essential early in the design process. This information should be provided as part of the consultation process.

4.2 Consultation Process

4.2.1 Overview

Consultation with KCC will occur through the planning process. KCC will be notified of the submission of a major planning application by the Local Planning Authorities within Kent (as defined in Section 2.5).

A substantive response to the LPA is legally required from KCC within 21 days of consultation.

4.2.2 Pre-application Advice

Incorporating appropriate drainage is easier and more sustainable if it is planned and designed in from the start of a development. KCC encourages pre-planning consultation to ensure that the issues are appropriately addressed at an early stage.

Pre-planning advice from KCC can provide the following benefits:

- background information to identify constraints and matters in relation to flood risk and drainage pertinent to the application;
- an indication of whether a proposal would be acceptable in principle, saving time and cost within the planning process;
- reduced time to prepare the proposal;
- provides clarification of the guidance and policies that will be applied to the development proposal;
- identifies whether specialist input is required; and,
- identification and engagement of other key stakeholders.

KCC's pre-application planning advice in relation to new development is discretionary and is provided as a chargeable service. Details and forms for pre-application advice is found on kent.gov.uk. Standing advice for specific development scenarios and types is also available on Kent's website[10].

We provide free advice to:

- individual homeowners who have specific drainage or flood related issues which may impact their own house for development; and,
- Parish councils, Local community groups, or Flood Forums on works proposed to improve local communities.

4.2.3 Planning application submission

The Local Planning Authority will confirm that a Drainage Strategy has been submitted with the planning application and pass it to KCC for consultation. KCC will review the submitted material for adequacy and, depending upon the submission, may request further information. This will be communicated to the applicant via the Local Planning Authority.

The drainage strategy submitted to support a planning application must reflect the development proposal (including site area, type of development, general arrangement and layout).

All elements of the proposed drainage strategy should be within the defined planning and development application boundary as defined by the development's "red-line" boundary. This ensures that planning approval and any subsequent conditions will apply to the entirety of the drainage measures. It would not be acceptable to have any drainage measures, most notably attenuation basins or soakaways outside of the planning application site boundary unless secured by other planning conditions, approvals or agreements.

In reviewing a drainage application, KCC will, in the first instance, confirm compliance with this policy, national planning policy (as defined in the NPPF), and compliance with the Non-Statutory Technical Standards. Local planning requirements (as set out in Local Plans or other local planning documents) and other site-specific land-use factors that affect surface water management will also be referenced, where appropriate. Additionally, KCC will consider adherence to wider environmental principles of the NPPF that may have a bearing on drainage design (for example, water quality, biodiversity and amenity).

A consultation response will be prepared and returned to the Local Planning Authority within the required 21 days following receipt of a suitably detailed submission. The consultation response may result in a request for further information or for planning conditions for subsequent determination.

[10] www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/sustainable-drainage-systems#tab-3

4.3 Consultation Submission Requirements

4.3.1 Introduction

Detailed information will be required to demonstrate that a drainage design is appropriate and will operate effectively. This information may be required for all drainage measures, including (but not limited to) pipe networks, attenuation features, ponds, soakaways and control structures.

Key design information must be evidenced and assessed. Key information which may be needed to demonstrate the feasibility or applicability of a design philosophy includes:

- existing discharge rates and post development discharge rates;
- ground investigation information, groundwater levels and infiltration rates;
- condition and connectivity surveys of receiving watercourses and sewers;
- ground level and topographical survey;
- deliverability of discharge destination and right to connect.

Detail of this technical information is provided in Chapter 6 of Making it Happen C2: Sustainable Drainage Systems. The lack of detailed technical information may increase the level of uncertainty we may have about the effectiveness of a drainage strategy. If the degree of uncertainty is great, this is that the proposal cannot clearly demonstrate a functioning system in line with requirements, then KCC will have grounds to object to the drainage proposal or may delay return of a substantive comment to the planning authority.

We therefore encourage pre-application discussion to identity any areas which may need further investigation or clarification to reduce any uncertainty with respect to the functioning of the system.

The detail provided in the submission will reflect the type of planning application submitted, whether 'outline' (Surface Water Management Strategy) or 'full' (Detailed Drainage Strategy) or discharge of condition (detailed design). The submission requirements are provided in Table 1 and are read as minimum requirements. It is expected that later stages of planning submissions will provide greater detail (such as estimates of storage vs modelled network calculations).

KCC recommends the inclusion of a summary sheet which contains pertinent information to assist in ensuring sufficient detail is submitted and to simplify the review process. A Drainage Strategy Summary Form is included in Appendix C.

We recommend that applicants confirm the submission requirements through pre-application discussion with KCC, particularly to identify any needs for ground investigation.

Table 1- Submission Requirements for stages of planning

Information required	Outline	Full	Reserved Matters	Discharge of Condition	Verification condition [11]
Identification of discharge destination					
Development information including location plan, site layout, and drainage schematic					
Surface water drainage strategy report or statement					
Calculation assumptions and results including impermeable areas, infiltration rates, network calculations and models					
Existing and proposed drainage arrangements			12		
Existing and proposed discharge rates					
Ground investigation reports/survey and soakage testing results					
Maintenance programs and access arrangements					13
As built drawings or tender construction drawings				14	
Exceedance plan [15]					
Catchment plans					
Water quality index					
Watercourse condition and connectivity					
Proposed detailed drainage network plans and cross-sections including cover and invert levels, locations of flow controls (Critical Drainage Assets)					
Attenuation device details including cross-sections					
Landscape Plan					
Discharge agreements, consents and/or evidence of third-party agreement for discharge to their system					
Phasing plan					
Identification or designation of maintaining authority/ organisation					

[11] specific requirement for confirmation of drainage. Please see section 4.3.5

[12] as required, where not already demonstrated in the original application
require greater design detail than previous planning stage Greatest amount of detail required

[13] Specific for each critical drainage asset

[14] Drawings of proposed construction

[15] includes conveyance, volume and depths

4.3.2 Large scale development

Surface water management strategies for large developments (with multiple phases) will require the submission of an overall drainage strategy at outline planning stage that provides the overall site drainage strategy and a framework for the delivery of the drainage in each phase of the site.

The Surface Water Management Strategy should set out the following for the whole site, and each phase:

- discharge destination(s);
- discharge rate and volume;
- catchment areas;
- estimated impermeable areas per phase and per catchment; and,
- phasing plan with timing of construction.

This Surface Water Management Strategy should act as an overall **drainage masterplan** for all phases of the development.

A Surface Water Management Strategy will be tied to a planning condition at the outline stage. Pre-application discussions are encouraged in the case of phased development to agree the level and detail of any strategic Surface Water Management Strategy and subsequent Detailed Drainage Strategies that will be required for each phase.

Depending upon the level of detail submitted at outline planning, it may be necessary to submit additional drainage information to accompany reserve matters associated with the layout to demonstrate that the Surface Water Management Strategy can be accommodated within the proposed layout.

Further details regarding the surface water management proposals for each phase of development should then be provided within a Detailed Drainage Strategy. Each phase must remain consistent with the overall site strategy and drainage masterplan.

Supporting information must be submitted to demonstrate that any variations can be accommodated within the site without exacerbating flood risk. The overall site Surface Water Management Strategy may be reviewed as different phases are delivered.

Large sites in close proximity or in one catchment are encouraged to cooperate or consult concurrently as there may be opportunities for combined solutions with mutual and greater benefit.

Any strategic drainage features that are required for the wider site's drainage strategy to function properly must be identified and delivered prior to the connection of the drainage from any phase or sub-phase. If a single site within a wider development (e.g. school or commercial site) is reliant upon the strategic drainage system, this must be clearly indicated within the phasing plan.

4.3.3 Consultation for minor and low risk development

Minor development will not normally be reviewed by KCC, unless specifically requested by the LPA due to local drainage concerns, existing or mapped surface water flood risk, or other matters identified by the LPA in relation to delivery of sustainable drainage.

In some instances, due to the size of the development or proposal, construction for drainage provision is not needed or substantial and therefore considered low risk. Low risk development for the purposes of consultation may be regarded, but not limited to:

- change of use[16];
- limited external building envelope alterations;
- or which results in less than 100 m^2 of additional impermeable area and which is not located in an area of existing flood risk or drainage problems.

4.3.4 Easements and way leaves

If any surface water flows off site and is required to cross third party land, then information must be submitted which demonstrates that the applicant has the ability to deliver the outfall from the site. This may require confirmation of agreement from a third-party landowner or confirmation of an agreed easement way leave.

4.3.5 Maintenance and verification

The design of any drainage system must take into consideration the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work.

The continued operation of any drainage system is dependent upon ongoing maintenance, which may be undertaken by an adopting authority or management agent. Any drainage strategy must include details of the intended adopting authority or agent and specific details of appropriate and sufficient maintenance, and then be confirmed in the verification report.

Developers will be required to demonstrate that the drainage was constructed according to the approved plans through post-construction verification reports. These reports will also include maintenance and requirements specific to the drainage system constructed. Detailed drainage layouts will be required which also identify "critical drainage assets[17]".

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[16] change of use where vulnerability is not increased

[17] KCC's definition of critical drainage assets would be those items of interest in relation to Section 21 (1A) of the Flood and Water Management Act (2010), namely any assets that are "likely to have a significant effect on a flood risk in its area" and could include items such as inlets, outlets, controls, attenuation structures etc. Further clarification can be provided by contacting KCC's Flood and Water Management team.

4.4 Adoptable highways and drainage

Most major development would normally include some aspect of highway construction or improvement, which may be adopted or require approval by KCC as the Highway Authority. The provision of drainage to adopted highways is normally subject to Section 38 or 278 Agreement, with approval and inspection by KCC as the Highway Authority.

Highway matters may be reviewed within the consultation by KCC as LLFA. KCC will endeavour to seek internal consultation on such matters; however, the detail provided within a planning submission may not be sufficient. The response from KCC as LLFA does not commit KCC as Highways Authority to any particular highways arrangement. The nature and extent of adoption should be confirmed with the Highways team at an appropriate time within the planning and design process.

Any review provided by KCC as LLFA within the planning process does not constitute a technical approval; however the LLFA's approval may be required prior to any further adoption by KCC as the Highways Authority.

5 Policies for Sustainable Drainage

5.1 Introduction

A range of sustainable drainage techniques may be utilised across a site to manage the surface water runoff from the planned development; the use of more than one technique will often be appropriate to achieve the objectives of sustainable development on any given site (notwithstanding situations which may still arise where a conventional solution may be the most appropriate).

Given the range of design options to provide a drainage solution, KCC has defined:

- **Drainage Policies (SuDS Policy 1 through 6) that set out the requirements for a drainage strategy to be compliant with the NPPF and guidance within the Non-Statutory Technical Standards for Sustainable Drainage.**
- **Environment Policies (SuDS Policy 7 through 9) that set out expectations to be considered within a drainage strategy in response to environmental legislation and guidance that KCC and the Local Planning Authorities have a duty to comply with.**

These policies, summarised in Table 2, reflect the requirements of the Local Flood Risk Management Strategy, Surface Water Management Plans and Local Planning Authority Local Plans. Sufficient information must be submitted to demonstrate that the drainage proposals comply with these policies.

Table 2: Kent County Council SuDS Policies

Policy	Summary
SuDS Policy 1	Follow the drainage hierarchy
SuDS Policy 2	Deliver effective drainage design
SuDS Policy 3	Maintain Existing Drainage Flow Paths & Watercourses
SuDS Policy 4	Seek to Reduce and Avoid Existing Flood Risk
SuDS Policy 5	Drainage sustainability and resilience
SuDS Policy 6	Sustainable Maintenance
SuDS Policy 7	Safeguard Water Quality
SuDS Policy 8	Design for Amenity and Multi-Functionality
SuDS Policy 9	Enhance Biodiversity

5.2 Drainage policies

These policies are specified from the NPPF and the guidance within the Non-Statutory Technical Standards for Sustainable Drainage, as published by Defra.

5.2.1 SuDS Policy 1: Follow the drainage hierarchy

Surface runoff not collected for use must be discharged according to the following discharge hierarchy:

- **to ground,**
- **to a surface water body,**
- **a surface water sewer, highway drain, or another drainage system, or**
- **to a combined sewer where there are absolutely no other options, and only where agreed in advance with the relevant sewage undertaker.**

The selection of a discharge point should be clearly demonstrated and evidenced.

When development occurs, the urbanisation process within a catchment affects the natural hydrology; if the destination of the water is altered this may result in:

- a reduced supply of rainfall to groundwater;
- an accelerated passage of flow to the receiving watercourses; and
- water directed away from existing receiving catchments.

In order to maintain the natural balance of the water cycle, the above discharge hierarchy must be adhered to. Where development results in changes in runoff destinations, the design must account for how the surface flows are managed and demonstrate it does not exacerbate off-site flood risk.

Any development application must follow the hierarchy and be accompanied by evidence as to why infiltration is not utilised. Technical information on the uses of infiltration is provided in Kent Design Making It Happen, including testing methodology and design criteria. Infiltration testing must assess infiltration rates appropriate to underlying ground conditions and may require consideration of both shallow and deep infiltration.

If infiltration is not feasible further information is required from appropriate authorities indicating the acceptability of a discharge location, discharge rate and consent to connect. This agreement may be with the relevant owner or responsible body including IDBs, highway authorities, sewerage undertakers, riparian owners, port authority, Environment Agency, Canals and River Trust and others.

Any connection or discharge must be compliant with regulations or guidance governing the operation of the existing drainage system (e.g. IDB by-laws or standard specifications for public sewers). Correspondence with the relevant owner or responsible body should be submitted to demonstrate agreement in principle to the discharge and connection point as early in the development planning process as possible.

If we are aware of a capacity issue or a sewer flooding issue that a sewer connection is likely to exacerbate, we will inform the Local Planning Authority and the sewerage undertaker. We may oppose any such proposal until it can be adequately demonstrated that the receiving authority has confirmed the acceptability of the intended rate of discharge.

Discharge to Ground

The drainage strategy may be constrained if the drainage discharges to the ground via infiltration in a source protection zone (specifically SPZ 1), area of low permeability or area with high groundwater. Consultation with the Environment Agency early in the planning process is recommended to identify any constraints or specific requirements in these areas, specifically in relation to groundwater contamination. We recommend reference to the EA's latest policy guidance on groundwater protection[18].

Discharge to Sewer

An existing connection to a sewer does not automatically set a precedent and it must be demonstrated why infiltration and/or a connection to a watercourse cannot be utilised. There is a presumption against any discharge of surface water to a foul sewer.

Combined sewer systems, which carry both foul and surface water, have limited capacity and are more likely to lead to foul flooding. In our commitment to ensuring development is sustainable, we will therefore seek to reduce surface water discharges to combined sewer systems.

We will encourage developers to look for available surface water systems within a radius of the proposed development before discharges to a combined sewer is agreed acceptable. For small developments surface water sewer connections should be assessed within 90m of the development site boundary. For larger development (over 100 units), a suitable distance for connection to a surface water sewer will be assessed at the time of planning, dependent upon the size and location of the development.

Where a surface water connection to an existing combined sewer is unavoidable, it must be undertaken in such a manner and at such a location to facilitate future separation of the surface water from that combined system.

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[18] The Environment Agency's approach to groundwater protection, February 2018 or latest version as published. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Envirnment-Agency-approach-to-groundwater-protection.pdf

Discharge to Highway Drains

KCC may consider surface water discharges into highway drainage sewers in the following circumstances:

a) the developer/property owner is prepared to upgrade the system where required to accommodate any increased flows; and,
b) there is a proven existing connection to the highway drainage systems.

Highway drainage connections should be raised in pre-application discussion with KCC to ensure there will be appropriate arrangements in place for highways and drainage adoption, where appropriate. Highways advice for planning applications is provided on the County's website. Please refer to Kent Design Guide - *'Making it Happen'.*

Other Consents

Other consents by regulation may be required in relation to the discharge location (e.g. Flood Risk Activity Permit and Ordinary Watercourse consent). KCC may recommend consultation with other authorities in these instances.

5.2.2 SuDS 2: Deliver effective drainage design

Any proposed new drainage scheme must manage all sources of surface water and should be designed to match greenfield discharge rates, and volumes as far as possible.

Development in previously developed land should also seek to reduce discharge rates and volumes off-site and utilise existing connections where feasible.

Drainage schemes should provide for exceedance flows and surface flows from offsite, ensure emergency ingress and egress and protect any existing drainage connectivity, so that flood risk is not increased on-site or off site.

Design Criteria

The drainage system must be designed to be consistent with pre-development flow rates and designed to operate without any flooding occurring during any rainfall event up to (and including) the critical 1 in 30 year storm (3.33% AEP). The system must also be able to accommodate the rainfall generated by events of varying durations and intensities up to (and including) the critical, climate change adjusted 1 in 100 year storm (1% AEP) without any on-site property flooding and without exacerbating the off-site flood-risk. The choice of where these volumes are accommodated may be within the drainage system itself or within other areas designated within the site for conveyance and storage.

Flooding of the highway **may** be permitted in exceptional circumstances for rainfall events between 1 in 30 year and 1 in 100 year events provided that:

- depths do not exceed the kerb height;
- no excessive or prolonged ponding (beyond 10 minutes) so that the highway primarily operates as a conveyance route to another attenuation feature;
- flood extents are within the site boundary.

Rainfall Simulation

KCC will generally require the use of the more detailed and up-to date FEH13 dataset within detailed drainage design submissions. Where FSR data is used to determine the extreme rainfall intensity values for a site, we would expect the FSR/FEH ratios depicted in Appendix 1 of the 'Rainfall runoff management for developments' report[19] (Environment Agency, 2013) to be used to adjust the calculated attenuation requirements.

If FEH13 is unavailable (and unless otherwise calculated), we will accept a rainfall depth M5-60 of 26.25 mm to be utilised in appropriate modelling software to account for this variation.

[19] http://evidence.environmentagency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/Rainfall_Runoff_Management_for_Developments_-_Revision_E.sflb.ashx

Runoff Rates

Greenfield runoff rates must be supplied. Preferred methods are IoH124, FEH, ReFH2 or others as agreed with KCC. The rates must reflect soil conditions specific to the site and applied to an appropriate drainage area consistently through the drainage strategy.

- Local District or Parish Greenfield Runoff Rates

Local planning policy may identify preferred discharge rates to be utilised in place of greenfield rates based upon a strategic flood risk assessment. In these areas, the preferred discharge rates should be utilised in the design.

KCC may also set strategic discharge rates to contribute to flood risk management within a district or parish council area; or to provide a more efficient approach to surface water management within a local area. If a strategic assessment of greenfield runoff rates has been undertaken by KCC, these rates must be utilised in design.

- Minimum discharge rates

Small sites are associated with low greenfield runoff rates. Given advances in technology and design of flow controls, it is now possible to achieve controlled flow rates of 2 l/s. This should be considered the minimum rate to be set for small sites, unless agreed with KCC.

- Capacity constraints

If the proposed development contributes to an area or network with known local flood risk issues or capacity constraints, then discharge rates and volume control specific to the local conditions will be specified. Developers may be required to provide flood risk modelling/ assessment to identify potential constraints.

- Previously developed land

Redevelopment on previously developed land or "brownfield land" has the potential to rectify or reduce flood risk. For developments which were previously developed, the peak runoff rate from the development must be as close to the greenfield runoff rate from the development as reasonably practicable for the same rainfall event, but must not exceed the rate of discharge from the development prior to redevelopment for that event. As a minimum we would expect to see evidence that a 50% reduction in the peak runoff rate from the existing site has been sought.

An assessment of the peak flow rate of an existing drainage system must consider: (a) the connectivity and condition of the drainage system; (b) the existing total impermeable area contributing to the drainage system; and (c) the pipe full capacity of the final 5m of the outfall pipe. Within all accompanying calculations, the post-redevelopment discharge rate must take account of the predicted effects of climate change.

Runoff characteristics for a previously developed site can be estimated by other methods as described within the CIRIA SuDS Manual (Chapter 24.5). It should be noted that if a simulation model for any existing network is utilised, the operation of the network must be confirmed by a network survey to establish the network arrangements, contributing areas and network condition.

Runoff Volumes

Runoff volumes from the developed site will usually increase in comparison to the site in its natural condition; this may increase flood risk in natural receiving systems. Controlling the volume of runoff from the site is therefore vital to prevent flood risk in natural systems. Within Kent, the need and type of volume control will vary according to the soil type present, which can be broadly broken down into the following categories:

- Highly permeable soils – in areas underlain by chalk, we will expect that use of infiltration will be maximised. With no off-site discharge, additional volume control will not be required
- Intermediate permeability soils - in these areas infiltration should still be maximised; offsite discharge should be limited to QBAR, (the mean annual flood flow rate, equivalent to an approximate return interval of 2.3 years). Where sites are small and flows are calculated to be less than 2 l/s, the minimum flow rate will apply of 2 l/s.
- Low permeability soils - areas underlain by largely impermeable soils (e.g. Weald clay and London clay) will require "staged" discharge.

This requires that rates mimic existing greenfield runoff rates of the 1:1 year, 1:30 year and 1:100 year storm events as long as long term storage is utilised for flow volumes in excess of the greenfield volume for the 1:100 year 6 hour event.

The long term storage volume must discharge at a rate no greater than 2 l/s/ha and the total flow rate must not exceed the 1:100 year greenfield flow rate.

If long term storage is not designed for, QBAR should be applied to all events from the 1:30 year rainfall event.

Exceedance

Exceedance flows that cannot be contained within the drainage system shall be managed in flood conveyance routes. The primary consideration shall be risks to people and property on and off site.

Exceedance should be considered in two parts; very high intensity storms to ensure bypass flows from overloaded pipework (including potentially blocked gullies due to debris), and overfilling of storage systems. Consideration of exceedance routes will ensure that any residual risk arising from either or these are safely managed.

Emergency access arrangements

Access should be maintained into and through the site for emergency vehicles during all storms up to (and including) the critical, climate-change adjusted 1 in 100 year event. The drainage application must give consideration to flood risk vulnerability classifications (as defined through Planning Practice Guidance to the National Planning Policy Framework), as specific measures or protections may be assessed and need to be agreed with the appropriate authority.

Unrestricted discharge rates

If the proposed system discharges to a watercourse or main river, consideration must also be given to any requirements due to high water levels in the receiving watercourse due either to tide (i.e. tide-locking) or flood flows. Attenuation volumes required onsite to manage flows must take into account the effects of high receiving water levels. This also applies to connection made to sewers.

If the proposed site is immediately adjacent to a watercourse or main river, there may be instances where direct discharge to the waterway is promoted without attenuation. This is only likely to be a recommendation on or immediately upstream from tidal areas. Direct discharge without attenuation or limited attenuation based on high (non-standard) discharge rates to a main river must be agreed in consultation with KCC and the Environment Agency.

Phased Delivery

If a proposed development is to be delivered in phases, a commitment should be made for a surface water management strategy to be delivered with the first phase of development, designed to be capable of accommodating the runoff from each of the subsequent phases. If this is not possible, the runoff from each separate phase must be controlled independently.

Whichever approach is taken, the control of surface water runoff during construction should be considered. Temporary works may be required to accommodate phased construction. Any temporary drainage measure must be identified and clearly shown on a drainage layout drawing.

5.2.3 SuDS Policy 3: Maintain Existing Drainage Flow Paths & Watercourses

Drainage schemes should be designed to follow existing drainage flow paths and catchments and retain where possible existing watercourses and features.

By mimicking the natural drainage flow paths and working within the landscape, more effective and cost-efficient design can be developed. Working with existing natural gradients also avoids any reliance on pumped drainage, with its associated energy use and failure risk. The natural environment including woods, trees and hedgerows can play a part in water management.

KCC encourages maintenance of the existing flow paths and drainage connectivity. Where this is the case the following conditions apply:

a) If the proposed development is reliant on an existing discharge point, then it is recommended that the condition and conveyance capacity is confirmed through CCTV or other survey with the discharge capacity confirmed.

b) Outfalls to ordinary watercourses should not occur to "blind-ended" ditches and should be part of a wider and contiguous drainage network.

Some sites may lie in or near more than one hydrological catchment. Surface water flows should be continued through the pre-development catchments and not diverted to adjacent catchments, in order to preserve the hydrology of catchments and prevent an increase in flood risk.

Ordinary Watercourses

An 'ordinary watercourse' is defined as any channel capable of conveying water that is not part of a 'main river'; Small rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) can all be classified as 'ordinary watercourses'.

When considering the development/redevelopment of any site, existing ordinary watercourses should be identified and accommodated within any drainage strategy and site masterplan. They should be preferably retained as an open feature within a designated corridor, and ideally retained within public open space. Any outfall to an ordinary watercourse should be designed to ensure there is adequate erosion protection for the receiving channel and its banks.

It is not sufficient to undertake earthworks to the top of the bank of a boundary ditch. Any site improvements should include the channel itself. The landowner has riparian responsibilities for these ditches and new development provides an opportunity to address any existing ditch issues such as excessive vegetation, channel clogging, culvert improvements or bank stability.

It is recommended that any discharge to an ordinary watercourse or any modification to an ordinary watercourse be identified and agreed in principle with KCC (or other consenting

authority if required) prior to the submission of any planning application. The ability of a watercourse to convey water (and to function as an effective exceedance flow route, where appropriate) will always need to be maintained.

Flood risk

For ordinary watercourses, developers may need to consider the potential flood risk arising from them, particularly where there are structures which might influence water levels. Where a risk from flooding has been identified, appropriate flood risk mitigation should be identified and agreed with the Local Planning Authority/ KCC; development should be avoided in any area likely to be affected by exceedance of the channel's capacity, reflecting requirements of SuDS Policy 4.

Culverts

Culverting of open watercourses will not normally be permitted (except where demonstrably essential to allow highways and/or other infrastructure to cross). In such cases culverts should be designed in accordance with CIRIA C689: Culvert Design and Operation Guide, (2010) and KCC's Land Drainage Policy. Culverts will not be approved below/ beneath any proposed structure.

If a culverted watercourse crosses a previously developed site, it should be reverted back to open channel, wherever practicable. In any such case, the natural conditions deemed to have existed prior to the culverting taking place should be re-instated.

Measures should be in place to ensure that any future owner of a property through which a watercourse passes is aware of their maintenance responsibilities as a riparian owner.

Under the terms of the Land Drainage Act 1991, any works within an ordinary watercourse will require consent under Section 23 of the Act. This will be either from KCC or from an IDB (in the areas where they operate). Consents are unable to be amended once granted so any changes to design will need to apply for Land Drainage consenting again. Consents cannot be granted retrospectively if works are undertaken prior to approval.

If land drainage consent is required in relation to the proposed development, we recommend that the submission of any application for consent is delayed until planning permission is granted, (excepting instances when consents are required to construct or upgrade site access) as the proposed site layout may be subject to further change. Please refer to KCC web pages for guidance on ordinary watercourse consents[20].

Overland flow paths

Account should be taken for any overland flow routes which cross the site from adjacent areas. Flow routes may be indicated by reference to the EA's surface water flow mapping however the magnitude of the contribution from upstream catchments should be assessed to determine flows and the extents of flooding. It is usually preferred that these flow routes would be accommodated within the development layout; however, flood assessment or more detailed modelling may be undertaken if these routes are to be modified or channelised. It is not acceptable to culvert overland flow routes.

5.2.4 SuDS Policy 4: Seek to Reduce and Avoid Existing Flood Risk

New development should be designed to take full account of any existing flood risk, irrespective of the source of flooding.

Where a site or its immediate surroundings have been identified to be at flood risk, all opportunities to reduce the identified risk should be investigated at the masterplanning stage of design and subsequently incorporated at the detailed design stage.

Remedial works and surface water infrastructure improvements may be identified in the immediate vicinity of the development to facilitate surface water discharge from the proposed development site.

Paragraph 165 of the National Planning Policy Framework outlines how flood risk management bodies should seek to manage flood risk through using opportunities offered by new development to reduce the causes and impacts of flooding, taking the predicted effects of climate change into account.

As LLFA, KCC will endeavour to ensure that this principle is applied across the County. Where a developer's Drainage Strategy has identified that there are existing flood risks affecting a site or its surroundings, there would be an expectation that the developer manages the identified risk appropriately to ensure that there are no on or off site impacts as a result of any development. Similarly, where there are opportunities to reduce the off-site flood risk through carefully considered on-site surface water management, we will encourage developers to explore these fully.

Avoiding areas of flood risk

All development should be preferentially located in the areas of lowest flood risk, irrespective of the source of flooding. At the earliest stages of masterplanning, an appropriate flood risk or drainage impact assessment should be undertaken to ensure that any vulnerable forms of development are located outside Flood Zones 2 or 3 and/or those areas identified as being at medium to high risk of surface water flooding. The Environment Agency's Flood Map for Planning and Long-Term Flood Risk pages should be referred to for this information.

Residential buildings should in the first instance not be located within any area indicated to be at high risk[21] from surface water flooding, according to the Long Term Flood Risk[22] maps or any local flood maps.

If development is unavoidable within a surface water flood risk or flow route, then the land use should be water compatible; designed and constructed to be flood resilient; having consideration of the estimated flow depths and be designed accordingly.

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[20] www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/owning-and-maintaining-a-watercourse

[21] High risk means that each year an area has a chance of flooding of greater than 3.3% (i.e equates to 1 in 30-year risk of flooding), with flood depths over 900mm and velocities over 0.25 m/s.

[22] https://flood-warning-information.service.gov.uk/long-term-flood-risk

Remedial works and infrastructure improvements

Local flood risk "hot spots" may be known to KCC or the local council in the vicinity of the proposed development. If the receiving system is in a poor condition and unable to convey flow effectively, remedial works may be required prior to connection or discharge to the system.

A condition survey of the outfall location and of the receiving system may be required to confirm connectivity and capacity along with any potential works required to ensure discharge can occur without impedance.

Dependent upon ownership and responsibilities, these works may be recognised as part of the development description for the proposed development as would occur for any infrastructure improvement to accommodate strategic growth, new connections and new local development.

5.2.5 SuDS Policy 5: Drainage Sustainability and Resilience

The design of the drainage system must account for the likely impacts of climate change and changes in impermeable area over the design life of the development. Appropriate allowances should be applied in each case.

A sustainable drainage approach which considers control of surface runoff at the surface and at source is preferred and should be considered prior to other design solutions.

Drainage infrastructure normally has a defined design life. This varies depending upon the nature of the system's components. The drainage must be designed to function properly to protect the development and downstream from flooding over this timeframe. This includes accommodating predictable changes, including climate change and urbanisation.

Climate Change

In 2016, the Environment Agency published new guidance on how to use climate change allowances in flood risk assessments. The guidance can be found at: www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

KCC require that the drainage design accommodates the 1 in 100 year storm with a 20% allowance for climate change, with an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%.

This analysis must determine if the impacts of the 40% allowance are significant and lead to any unacceptable flood risks (it is not normally expected that the site would not flood in this scenario, only that if this storm were to occur the impacts would be minimal i.e no flooding of property or sensitive infrastructure and no flooding leaves the site). The design may need to be modified to avoid any unacceptable risks, but may also need additional mitigation allowances, for example a higher freeboard on attenuation features or provision of exceedance routes. This will tie into designing for exceedance principles.

Sustainability

Design of drainage systems utilising a sustainable drainage design approach and reducing reliance on below ground systems in pipes and tanks, provides greater visibility for maintenance as well as many other benefits. Sustainable measures which control flow rates near to the source and which maximise natural losses through infiltration and evaporation are preferred. Operation of surface systems is also more easily observed.

Urban Creep

To take account of possible future conversion of permeable surfaces to impermeable over time (e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas). Consideration of urban creep should be assessed for residential developments.

An allowance for the increase of impermeable area from urban creep must be included in the design of the drainage system. The allowances set out in Table 3 must be applied to the impermeable area within the property curtilage according to the proposed dwelling density.

Table 3: impermeable area allowances for urban creep

Residential development density(Dwellings per hectare) (% of impermeable area)	Change allowance
≤ 25	10
30	8
35	6
45	4
≥ 50	2
Flats & Apartments	0

5.2.6 SuDS Policy 6: Sustainable Maintenance

Any proposed drainage schemes must be designed to be maintainable to ensure that that the drainage system continues to operate as designed and must be accompanied with a defined maintenance plan.

The drainage system must be designed to take account of the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work. Without maintenance, the function of drainage systems may alter. Increased leaf litter, sediments and colonisation of vegetation may clog drainage measures or impact the characteristics of operational controls.

Design to be maintainable

The drainage strategy must demonstrate that adequate access is available and practicable for personnel and equipment either through an appropriate layout or legal agreement to provide agreed access arrangements in perpetuity. Consideration should also be given to the Construction Design and Management regulations for health and safety purposes.

Wherever possible, it is preferable that drainage schemes should be designed at the surface to allow easy inspection and maintenance. Drainage maintenance can usually be incorporated as part of a typical landscape maintenance specification.

KCC recommends that shared drainage measures or drainage measures serving the wider development are located within common land or public open space to facilitate easy access and maintenance. Drainage measures which serve more than one property should not be located within back gardens or other private areas.

If the proposed development incorporates existing field ditches or ordinary watercourses, we would normally require a minimum setback of 5 m to 8 m (depending upon the location, and whether the ditch/watercourse falls within an IDB regulated area). This will allow the safe access and operation of any tracked machinery that may be required to undertake any maintenance works to the banks or channels, and provides a reasonable buffer for any flora and fauna within the watercourse.

We would generally recommend that new development is designed to facilitate the maintenance of existing watercourses, with roads or walkways being provided alongside at least one bank for access. Closed fence-lines to the rear of properties bordering a watercourse should be avoided owing to the maintenance difficulties and the potential for the inappropriate depositing of material beyond property boundaries.

With surface water drainage systems, a careful balance must be struck over the creation of habitats. The encouragement of certain protected species or creation of protected habitats may conflict with the regular maintenance works essential to ensuring long term functionality of the drainage measures. An awareness of any biodiversity objectives or site wide strategic ecological management plan should be considered as part of a maintenance plan for the drainage measures, specifically timing of vegetation cuts and silt removal to ensure no conflict with nesting birds or specific life stages of biota.

Where, in particular circumstances, underground techniques are used, more extensive inspection processes will be necessary, for example where longer pipe runs are used, CCTV surveys may be required. All inlet, outlet and control structures must be indicated and known to the appropriate adopting authority to be protected from blockage and located near the surface, to allow for easy management during routine maintenance visits.

Maintenance Plan

An operation and/or maintenance plan should be provided which indicates a schedule and time of activities, as well as critical controls or components of the drainage scheme. This plan should include an indication of the roles and responsibilities for each authority or organisation which may have a responsibility for maintenance activities. Any inter-connectivity with or reliance upon other drainage systems should be indicated.

KCC may work with LPAs to ensure that the drainage schemes associated with large, strategic, potentially problematic or sensitive sites have been established and are able to function in accordance with the approved plans and specifications.

Information on maintenance requirements will be required in early stages of planning submissions to demonstrate that adequate access is provided.

Verification report

KCC may also require the submission of a Verification Report after development completion (Appendix D). This report will demonstrate that the constructed drainage system operates as approved; will include the identification of "critical drainage assets"; and, will outline specific maintenance requirements and obligations for each drainage measure.

As LLFA, KCC has a duty to maintain a register of structures or features which are likely to have a significant effect on flood risk. Drainage schemes within new developments may include structures or features that will be required to be included within the register. Critical drainage assets which are not adopted by others will be recorded.

5.2.7 SuDS Policy 7: Safeguard Water Quality

When designing a surface water management scheme, full consideration must be given to the system's capacity to remove pollutants and to the cleanliness of the water being discharged from the site, irrespective of the receiving system.

Interception of small rainfall events should be incorporated into the design of the drainage system.

Paragraph 170 (e) of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to (or being put at unacceptable risk from) unacceptable levels of water pollution or land instability. Development should whenever possible help improve local environmental conditions.

Additionally, the Water Framework Directive has been established to improve and integrate the way water bodies are managed throughout Europe. It provides a legal framework to protect and restore clean water throughout Europe to ensure its long-term sustainable use. In particular it will help deal with diffuse pollution which remains a big issue following improvements to most point source discharges.

The design of any drainage proposal should therefore ensure that surface water discharges do not adversely impact the water quality of receiving water bodies, both during construction and when operational. Sustainable drainage design principles have the potential to reduce the risk of pollution, particularly through managing the surface water runoff close to the source and on the surface. Below grade pipes and tanks which are efficient for drainage purposes may not provide appropriate water quality treatment.

The CIRIA SuDS Manual describes a methodology for determining the hazard posed by land use activities (refer to Chapter 26 of the CIRIA SuDs Manual). A simple index approach enables an assessment of the pollution hazard and value of mitigation provided by the sustainable drainage measure. This assessment will be required for all applications.

Runoff from small rainfall events can pose a particular problem for water quality. The 'first flush' of runoff contains the initial high concentration load of pollutants that has built-up on surfaces during the preceding dry period. It is possible to get a high initial pollution concentration for relatively small rainfall events.

Rainfall events that are less than or equal to 5mm in depth also comprise more than half of the rainfall events that took place. The volume of runoff from these small events therefore can cumulatively contribute significantly to total pollutant loadings from the site over a specified period of time. Interception of an initial rainfall depth of 5mm for all rainfall events would mimic greenfield response characteristics in that runoff from small rainfall events do not generally produce any run-off.

KCC would expect that developers demonstrate that the first 5mm of any rainfall event can be accommodated and disposed of on-site, rather than being discharged to any receiving watercourse or surface water sewer. This can easily be achieved through the inclusion of sustainable drainage measures such as infiltration systems, rain gardens, bioretention systems, swales, and permeable pavement.

Where it proves exceptionally difficult to achieve this principle, it must be demonstrated that any water leaving the site has been appropriately treated to remove any potential pollutants.

When discharging to the ground, ground conditions and protection of any source protection zones should be confirmed.

Discharge to ground shall only occur within clean, competent, natural and uncontaminated ground and information should be provided to demonstrate that a sufficient unsaturated zone has been provided above the highest occurring groundwater level. Advice may need to be sought from the EA Groundwater team in relation to these matters, particularly in SPZ 1 and may require specific mitigation. Infiltration into Made Ground will not be accepted.

Construction Management Plan

The management and control of erosion and sediment should be considered throughout design and construction, operation and maintenance to ensure that no impact to offsite watercourses occurs.

Sedimentation can cause the loss of aquatic habitat, decreased fishery resources and can lead to increased flooding due to reduction in hydraulic capacity of the watercourse.

A Construction Management Plan will be required to demonstrate that erosion and sediment controls are adequately planned to protect water quality in receiving water environments. Any sites within a sensitive receiving catchment may require additional information. Situations in which this is a consideration will be confirmed through coordination with KCC's Biodiversity team and the Environment Agency.

5.2.8 SuDS Policy 8: Design for Amenity and Multi-Functionality

Drainage design must consider opportunities for inclusion of amenity and multi-functionality objectives and thus provide multi-functional use of open space with appropriate design for drainage measures within the public realm.

Local environmental objectives may identify other benefits which can be agreed to be delivered through appropriate design of the drainage system.

Amenity and Open Space

Where land performs a range of functions it affords a far greater range of social, environmental and economic benefits than might otherwise be delivered (Landscape Institute Position Statement, Green Infrastructure). Open spaces are often multifunctional, fulfilling several different valuable roles; for example, in the main they may be for recreational use, but they may also provide valuable wildlife habitat, an attractive landscape, paths for walking and cycling and space for community events.

Well-designed, open, sustainable drainage measures may also provide this degree of opportunity, optimising all of these functions in a way which fits with the surrounding landscape. For example, park areas which can be used as temporary flood storage during heavy rainfall events, and wetlands being used to deliver amenity value and habitat as well as water treatment. The aim should be to create networks of high quality open space which adapt for attenuation of surface water, sports and play and enhancement of biodiversity.

The integration of sustainable drainage measures into open spaces can introduce open water and variable ground surfaces into the public realm with associated risks of: drowning; slips, trips and falls; waterborne disease; and bird strike if near airports. The majority of potential risks can be assessed and removed through good site design. Reference should be made to best practice for appropriate design is provided in CIRIA's 'SuDS Manual'.

Multi-functional Design Benefits

Multi-functional design may also deliver other benefits as summarised in Table 4 (BS 8582 Code of Practice for Surface Water Management for Development Sites). New evaluation tools (B£ST Benefits Estimation Tool, CIRIA) may enable a full accounting of benefits to demonstrate economies and efficiencies to including specific design elements within the drainage provision. Simple elements such as inclusion of trees, or rain gardens within kerb build-outs may deliver other priorities being sought by the local authority.

Table 4: Multi functional surface water management design (Source: BS 8582:2013)

Infrastructure objective	Multi-functional surface water management system design and associated environmental value
1. Recreational opportunities	• Subsurface attenuation storage systems can be sited below permeable surfaces used for recreation • Infrequently flooded detention zones can also serve as recreational/amenity areas • Vegetated conveyance and/or storage systems can be designed to promote education, play and amenity value • Intensive green roofs can provide amenity landscape in dense urban settings • Surface water management components can be integrated with sustainable transport corridors (e.g. cycle routes) to maximize benefits
2. Water resources conservation	• Surface water run-off from roofs and uncontaminated paved surfaces, can be captured and stored for use • Rainwater harvesting systems can be designed to deliver surface water management benefits in addition to water supply (see BS 8515)
3. Habitats/ biodiversity enhancement	• Vegetated surface water management components, which store or convey water either temporarily or permanently, can often deliver locally important habitat • Such areas can contribute to urban "corridors" and "networks" of green (vegetated) and blue (water) spaces that support the movement of species
4. Traffic management	• Appropriately designed roads can provide, during times of extreme rainfall, short-term effective management of flood waters, either for conveyance or storage • Local road surfaces and pavements can often be designed to be pervious and allow run-off to infiltrate into the sub-base • Bioretention/biofilter zones can be integrated within pavement design to provide both traffic calming and stormwater management units • Vegetated swales running alongside roads can be designed to treat and control road run-off • Tree pits can be included to intercept run-off (with additional subsurface storage included within or adjacent to the pit)

5. Car parking	• Where the car parking surface is designed to be pervious, surface water can be stored and treated within the sub-base, prior to either controlled discharge, infiltration to the ground, or use. • Car parks can store additional volumes of floodwater above the surface during extreme events. • Vegetated strips, swales, bioretention systems and basins can be designed adjacent to the car park to treat and control run-off
6. Public education/ awareness	• Local community engagement strategies can deliver: • an understanding of the functionality and environmental importance of the surface water management system in mitigating human impacts • a commitment towards contributing to the management of the drainage components • an understanding of the health and safety risk management strategy for the site in relation to surface water • ideas as to how the system could be used to promote children's education strategies and increased local amenity benefits
7. Air temperature / urban heat island mitigation	• Urban cooling can be promoted via the return of moisture to the air through evaporation and evapotranspiration from vegetated surface water management features • Direct cooling can be provided by trees integrated within the surface water management system providing shade • Green roofs and vegetative surfaces reflect more sunlight and absorb less heat
8. Reduced energy use	• Green roofs provide good building insulation
9. Air quality improvement	• Trees, larger shrubs and vegetated surfaces used as part of the surface water management strategy can filter out airborne pollutants
10. Landscape character	• Well designed and integrated SuDS features can enhance aesthetic appeal and local landscape and townscape character and distinctiveness
11. Health benefits	• Green and blue space within developments promotes health benefits linked to increased outdoor recreation and a feeling of well being

5.2.9 SuDS Policy 9: Enhance Biodiversity

Drainage design must consider opportunities for biodiversity enhancement, through provision of appropriately designed surface systems, consideration of connectivity to adjacent water bodies or natural habitats, and appropriate planting specification.

Biodiversity is defined as the variety of life on Earth; designing to protect and enhance biodiversity is therefore essential. As a direct result of human activity, the rate of species extinction over the last 200 years is far higher than in any period of the preceding 65 million years[23]. In the UK, freshwater ecosystems are at the most risk and populations of key species have declined significantly.

The NPPF requires that Local Planning Authorities set out a strategic approach to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (NPPF para 171). Maximising the ecological value of drainage systems is consistent with national and local policies which aim to conserve and enhance biodiversity. This is underpinned by a variety of legislation including the biodiversity 'duty' for public bodies which is enshrined in the Natural Environment and Rural Communities (NERC) Act 2006.

Working with the landscape to provide drainage may promote other opportunities with greater benefits for biodiversity but also provide greater attractiveness. The linear nature of many SuDS features can help create green corridors through developments; these are important for wildlife and ensure that the associated development is connected with its surrounding environment.

KCCs 'SuDS and Biodiversity' project (2014) has demonstrated that drainage schemes within residential areas contribute to the biodiversity of the local area and provide important habitats for animals and plants that would otherwise be absent. In some cases invertebrate species of significant nature conservation value have been found.

A number of key factors were identified to strongly influence the biodiversity value of the sustainable drainage features. These included:

- connectivity with other waterbodies and habitats,
- planting assemblage and cover,
- waterbody design,
- retained water,
- fish/wild fowl presence, and
- water quality.

When assessing drainage design, particularly surface systems, it is important to consider the drainage scheme in the context of the surrounding landscape character area. Effective integration will also require carefully researched and selected plants, which work to improve the local green infrastructure.

The design of any drainage scheme can provide an opportunity for increasing biodiversity value by including surface vegetated systems with some retained water and through ensuring appropriate edge treatments and gradients. Review of engineering design by an ecologist may identify simple improvements in pond design and planting specification that would maximise the biodiversity potential.

Glossary

Aquifer	A source of groundwater compromising water-bearing rock, sand or gravel capable of yielding significant quantities of water.
Adopting authority	General term utilized in this guidance and relates to the authority that will ultimately manage the proposed drainage system
Attenuation	Attenuation is the process of water retention on site and slowly releasing it in a controlled discharge to a surface water or combined drain or watercourse. The amount of discharge will vary depending whether it is a brown or greenfield site. For brownfield sites the developer must determine the likely run off and agree an acceptable discharge with the LLFA, environment agency or water authority.
Brownfield site	Any land or site that has been previously developed.
Catchment	The area contributing surface water flow to a point on a drainage or river system.
CIRIA	Construction Industry Research and Information Association. www.ciria.org
Climate change	Long-term variations in global temperature and weather patterns both natural and as a result of human activity (anthropogenic) such as greenhouse gas emissions
Culvert	A structure which fully contains a watercourse as it passes through an embankment or below ground.
Development	The undertaking of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land.
EA	Environment Agency. Government Agency responsible for flooding issues from main river, and strategic overview of flooding.
Flood event	A flooding incident usually in response to severe weather or a combination of flood generating characteristics.
Flood risk	The combination of the flood probability and the magnitude of the potential consequences of the flood event.
Flood Risk Assessment	An appraisal of the flood risks that may affect development or increase flood risk elsewhere
Flood Zones	Flood Zones provide a general indication of flood risk, mainly used for spatial planning.

[23] www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/

Floodplain	An area of land that would naturally flood from a watercourse, an estuary or the sea.
Freeboard	A vertical distance that allows for a margin of safety to account for uncertainties.
Flood and Water Management Act	The Flood and Water Management Act clarifies the legislative framework for managing surface water flood risk in England.
Flow control device	A device used to manage the movement of surface water into and out of an attenuation facility.
Geocellular storage systems	Modular plastic systems with a high void ratio, typically placed below ground which allow for storage of storm water to infiltrate or discharge to another system.
Gravity drainage	Drainage which runs through pipework installed to a fall, and not therefore under pressure.
Greenfield	Undeveloped land.
Greenfield runoff rate	The rate of runoff which would occur from a site that was undeveloped and undisturbed.
Groundwater	Water that exists beneath the ground in underground aquifers and streams.
Groundwater flooding	Flooding caused by groundwater rising and escaping due to sustained periods of higher than average rainfall (years) or a reduction in abstraction for water supply.
Highway Authority	Body responsible for the management and maintenance of public roads
Impermeable	Will not allow water to pass through it.
Impermeable surface	An artificial non-porous surface that generates a surface water runoff after rainfall.
Infiltration	Infiltration or soakaway is the temporary storage of water to allow it to naturally soak away into the ground. Because water soaks into the ground gradually, reduces the risk of flooding downstream. Infiltration may be used where there is no surface water sewer or where existing systems are at full capacity. Infiltration helps to recharge natural ground water levels.

Internal Drainage Board (IDB)	An internal drainage board (IDB) is a public body that manages water levels in an area, known as an internal drainage district, where there is a special need for drainage. IDBs undertake works to reduce flood risk to people and property, and manage water levels for agricultural and environmental needs within their district. There are six IDBs in Kent:
	The River Stour Upper Medway Lower Medway Romney Marshes Area North Kent Marshes
Lead Local Flood Authority	Under the terms of the Flood and Water Management Act 2010, LLFAs are responsible for developing, maintaining and applying a strategy for local flood risk management in their areas and for maintaining a register of flood risk assets. They also have lead responsibility for managing the risk of flooding from surface water, groundwater and ordinary watercourses. Kent County Council are the LLFA within Kent.
Local Flood Risk Management Strategy	Strategy outlining the Lead Local Flood Authority's approach to local flood risk management as well as recording how this approach has been developed and agreed.
Main River	A watercourse designated on a statutory map of Main rivers, maintained by Department for Environment, Food and Rural Affairs (Defra).
Mitigation measure	A generic term used in this guide to refer to an element of development design which may be used to manage flood risk to the development, or to avoid an increase in flood risk elsewhere.
National Planning Policy Framework	Framework setting out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
Overland Flow	Flooding caused by surface water runoff when rainfall intensity exceeds the infiltration capacity of the ground, or when the soil is so saturated that it cannot accept any more water.
Permeability	A measure of the ease with which a fluid can flow through a porous medium. It depends on the physical properties of the medium.

Pitt Review	An independent review of the 2007 summer floods by Sir Michael Pitt, which provided recommendations to improve flood risk management in England.
Rainwater harvesting	Collection and Re-use or recycling of rainwater for the purpose of garden irrigation, car washing, toilet flushing etc.
Runoff	Water flow over the ground surface to the drainage system. This occurs if the ground is impermeable, is saturated or if rainfall is particularly intense.
Source Protection Zone	Defined areas showing the risk of contamination to selected groundwater sources used for public drinking water supply.
Strategic Flood Risk Assessment	A study to examine flood risk issues on a sub-regional scale, typically for a river catchment or local authority area during the preparation of a development plan.
Surface water flooding	Flooding caused by the combination of pluvial flooding, sewer flooding, flooding from open channels and culverted urban watercourses and overland flows from groundwater springs
Surface Water Management Plan	A study undertaken in consultation with key local partners to understand the causes and effects of surface water flooding and agree the most cost effective way of managing surface water flood risk for the long term.
SUDS	Sustainable (urban) drainage systems. A sequence of management practices and control structures that are designed to drain surface water in a more sustainable manner.
Watercourse	A term including all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices and passages through which water flows.

Appendix A. National Planning Policy Framework (Extract)

155	Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
157	All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below; b) safeguarding land from development that is required, or likely to be required, for current or future flood management; c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
163	When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment50. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
165	Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

170 Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising 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;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Appendix B. Non-Statutory Technical Standards for Sustainable Drainage

Flood risk outside the development

S1 Where the drainage system discharges to a surface water body that can accommodate uncontrolled surface water discharges without any impact on flood risk from that surface water body (e.g. the sea or a large estuary) the peak flow control standards (S2 and S3 below) and volume control technical standards (S4 and S6 below) need not apply.

Peak flow control

S2 For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

S3 For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.

Volume control

S4 Where reasonably practicable, for greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.

S5 Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event.

S6 Where it is not reasonably practicable to constrain the volume of runoff to any drain, sewer or surface water body in accordance with S4 or S5 above, the runoff volume must be discharged at a rate that does not adversely affect flood risk.

Flood risk within the development

S7 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event.

S8 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

S9 The design of the site must ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

Structural Integrity

S10 Components must be designed to ensure structural integrity of the drainage system and any adjacent structures or infrastructure under anticipated loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance.

S11 The materials, including products, components, fittings or naturally occurring materials, which are specified by the designer must be of a suitable nature and quality for their intended use.

Designing for maintenance considerations

S12 Pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity.

Construction

S13 The mode of construction of any communication with an existing sewer or drainage system just be such that the making of the communication would not be prejudicial to the structural integrity and functionality of the sewerage or drainage system.

S14 Damage to the drainage system resulting from associated construction activities must be minimised and must be rectified before the drainage system is considered to be completed.

Appendix C. Drainage Strategy Summary

1. Site details	
Site/development name	
Address including post code	
Grid reference	E N
LPA reference	
Type of application	Outline ☐ Full ☐ Discharge of Conditions ☐ Other ☐
Site condition	Greenfield ☐ Brownfield ☐

2. Existing drainage			Document/Plan where information is stated:
Total site area (ha)			
Impermeable area (ha)			
Final discharge location	Infiltration ☐ Watercourse ☐ Sewer ☐ Tidal reach/sea ☐		
Greenfield discharge rate (l/s) for existing site area	QBAR (l/s)		
	1 in 1 year (l/s)		
	1 in 30 year (l/s)		
	1 in 100 year (l/s)		
3. Proposed drainage areas			**Document/Plan where information is stated:**
Impermeable area (ha)	Roof		
	Highway/road		
	Other paved areas		
	Total		
Permeable area (ha)	Open space		
	Other permeable areas		
	Total		
Final discharge location	Infiltration ☐ Infiltration rate _____m/s Watercourse ☐ Sewer ☐ Tidal reach/sea ☐		
Climate change allowance included in design	20% ☐ 30% ☐ 40% ☐		

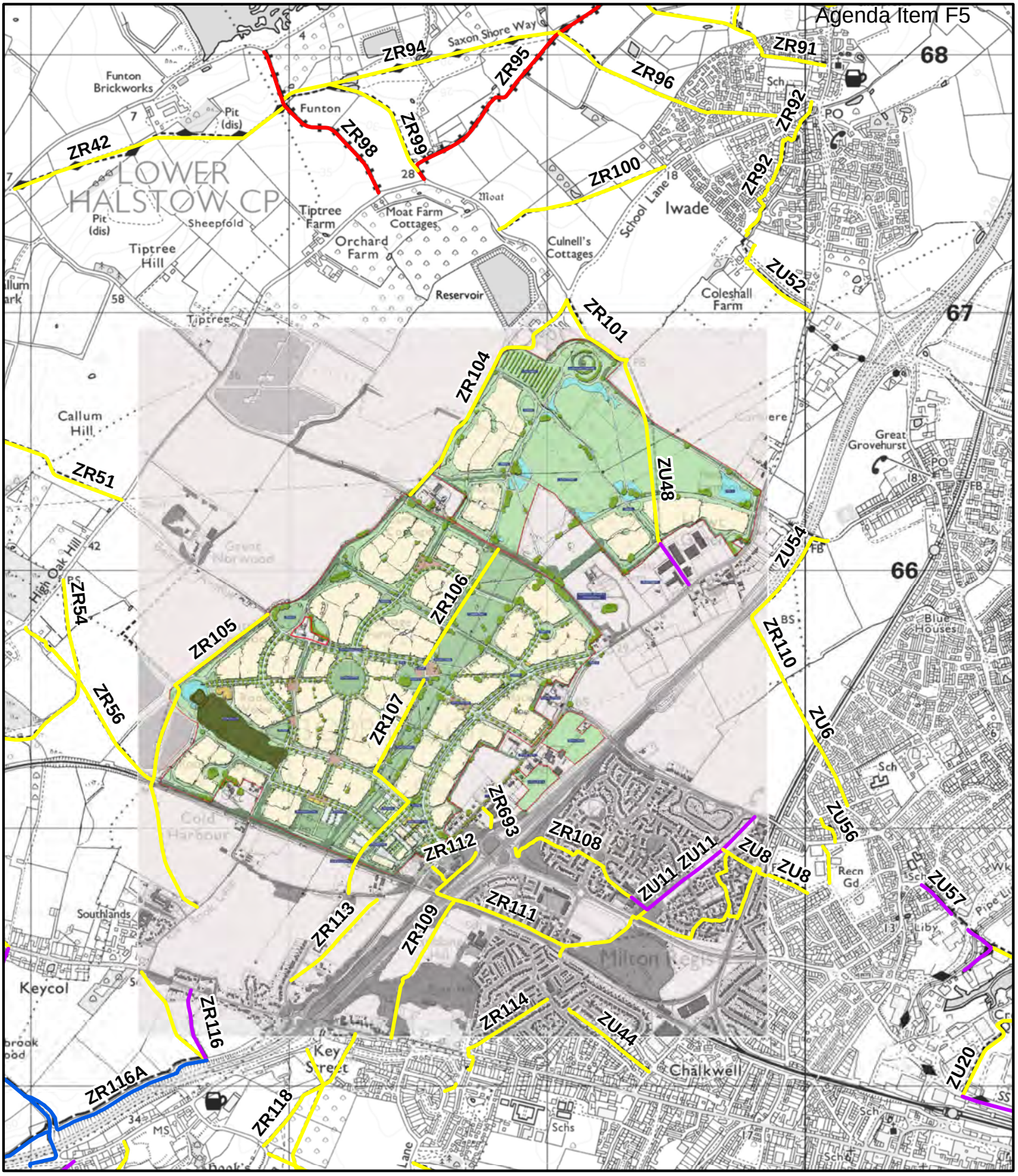
4. Post-Development Discharge rates, without mitigation			**Document/Plan where information is stated:**
Developed discharge rates (l/s)	1 in 1 year		
	1 in 30 year		
	1 in 100 year		
	1 in 100 year + CC		
5. Post-Development Discharge rates, with mitigation			**Document/Plan where information is stated:**
Describe development drainage strategy in general terms:			
(a) No control required, all flows infiltrating ☐			
(b) Controlled developed discharge rates (l/s)	1 in 1 year		
	1 in 30 year		
	1 in 100 year		
	1 in 100 year + CC		
6. Discharge Volumes			**Document/Plan where information is stated:**
	Existing volume (m^3)	Proposed volume (m^3)	
1 in 1 year			
1 in 30 year			
1 in 100 year			
1 in 100 year + CC			

All information presented above should be contained within the attached Flood Risk Assessment, Drainage Strategy or Statement and be substantiated through plans and appropriate calculations.

Form completed by	
Qualifications	
Company	
Telephone	
Email	
On behalf of (client's details)	
Date	

Appendix D. Drainage Asset Record Sheet for Verification Report

IDENTIFICATION	Type of Structure or Feature	
	Location Name	
	Drawing Identifier	
MANAGEMENT/ OWNERSHIP	Owners Name / Company	
	Address of owner	
	Owners Contact Number	
	Maintained By	
	Adoption proposed	☐ YES ☐ NO
	Name of Adopting Authority	
	Estimated Date of Adoption	
ASSET DETAILS	National Grid Reference (NGR)	
	Cover Level	
	Invert Level	
	Max volume	
	Height	
	Diameter/Width	
	Length	
	Depth	
	Designed Flow Rate	
	Any Additional Uses	



Key

- Public Footpath
- Public Bridleway
- Restricted Byway
- Byway Open to All Traffic

20/502497/EIASCO
KCC PROW Georeferenced Map

Produced by the KCC Public Rights of Way and Access Service

Please note: this map extract is not a legal record of the alignment or existence of a public right of way. No measurements should be taken from it.

N

1:20,000

0 Kilometres 1 2

0 Miles 0.5 1

Created by:	TK	Issue Date:	25/06/2020
Checked by:		Reference:	97997

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Appendix 1A

Education

Site Name	Land to the West of Bobbing, Sittingbourne
Reference No.	22/503654
District	Swale

	Houses	Flats	Total
Unit Numbers	**1750**	**500**	**2250**

Primary Education

	Per house	Per flat
Primary pupil generation rate	*0.28*	*0.07*

New Primary Pupils generated from this development **525**

New Primary School build contribution

	per Pupil	per House	per Flat
New Build Rate	*£24,286*	*£6,800*	*£1,700*

Contribution requested towards New Primary School Build **£12,750,000.00**

Secondary Education

	Per house	Per flat
Secondary pupil generation rate	*0.20*	*0.05*

New Secondary Pupils generated from this development **375**

New Secondary School build contribution

	per Pupil	per House	per Flat
New Build Rate	*£25,880*	*£5,176*	*£1,294*

Contribution requested towards New Secondary School Build **£9,705,000.00**

New Secondary School site contribution

Residential Land Price per acre for Swale *£600,000*

	Pupils	Hectares	Acres
6FE Secondary School	*900*	*8.00*	*19.768*
	per Pupil	**per House**	**per Flat**
Land Rate	*£13,178.67*	*£2,635.73*	*£658.93*

Total = Secondary School Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New Secondary School) = 19.768 x 600000 x (375 / 900)

Contribution requested towards New Secondary School Site **£4,942,000.00**

Total Secondary Education Build and Land contribution **£14,647,000.00**

Appendix 1A

Education

Site Name	Land to the West of Bobbing, Sittingbourne
Reference No.	22/503654
District	Swale

	Houses	Flats	Total
Unit Numbers	**1750**	**500**	**2250**

Notes
Costs above will vary dependant upon land price at the date of transfer of the school site to KCC
Totals above will vary if development mix changes and land prices change

KCC developer contribution assessment for Primary Education

District:	Swale	**1-bed:**	250
Site:	Land To The West Of Bobbing Sittingbourne Kent ME9 8QL	**Houses:**	1750
Plan ref:	SW/22/503654	**Flats:**	500
Date:	16/12/2022	**Total units:**	**2500**

Assumed Housing mix:
70% Applicable Houses
20% Applicable Flats
10% Non-Applicable dwellings

Current and forecast pupils on roll for schools within **Sittingbourne North planning group**

DfE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
2223	Bobbing Village School	208	207	208	205	203	200	199	197	197	197	200
2595	Grove Park Primary School	405	395	386	374	361	356	349	350	349	346	351
2230	Iwade School	618	615	616	611	604	599	592	587	587	585	594
2021	Kemsley Primary Academy	207	206	206	202	200	198	196	194	194	194	197
2022	Milton Court Primary Academy	201	196	192	185	180	178	172	170	169	168	171
2249	Regis Manor Primary School	490	508	528	539	529	550	534	523	522	520	528
Current and forecast pupils on roll (excluding the expected pupil product from new developments)		2,129	2,128	2,135	2,115	2,077	2,081	2,041	2,021	2,019	2,010	2,040
Required capacity to maintain 2% surplus capacity		2,172	2,171	2,179	2,158	2,119	2,123	2,083	2,063	2,061	2,051	2,081

Current and forecast capacity for schools within **Sittingbourne North planning group**

DfE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
2223	Bobbing Village School	210	210	210	210	210	210	210	210	210	210	210
2595	Grove Park Primary School	420	420	420	420	420	420	420	420	420	420	420
2230	Iwade School	630	630	630	630	630	630	630	630	630	630	630
2021	Kemsley Primary Academy	210	210	210	210	210	210	210	210	210	210	210
2022	Milton Court Primary Academy	210	210	210	210	210	210	210	210	210	210	210
2249	Regis Manor Primary School	540	570	600	630	630	630	630	630	630	630	630
Current and forecast capacity (1)		2,220	2,250	2,280	2,310	2,310	2,310	2,310	2,310	2,310	2,310	2,310

(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 **Sittingbourne North planning group**

Planning reference	Development	Houses	Flats	Primary product
SW/22/505076	Land At Pheasant Farm Bramblefield Lane West Of Iwade Bypass Sittingbourne Kent	42	0	12
SW/22/504274	Land At Sittingbourne Mill Mill Way Sittingbourne Kent ME10 2GZ	0	107	7
SW/21/506014	The Lion 2 Church Street Milton Regis Sittingbourne Kent	0	12	1
SW/21/501740	Land At Hill Farm Rock Lane Keycol Hill Bobbing (S106)	30	0	0
SW/21/502038	Northern Phase Regent Quay Crown Quay Lane Sittingbourne Kent	84	10	24
SW/20/503636	The Former Kemsley Arms Public House The Square Sittingbourne Kent ME10 2SL	0	13	1
SW/20/502715	Bobbing Car Breakers Sheppey Way Bobbing Sittingbourne Kent	12	4	4
SW/18/506677	Halfway Egg Farm Featherbed Lane Sittingbourne ME9 8RA (S106)	19	0	0
SW/19/503974	Land East Of Iwade Iwade Kent ME9 8ST (S106)	395	48	0
SW/19/501845	2, Bramblefield Lane, East Of Iwade Pass (S106)	22	0	0
SW/19/501332	Land At Pond Farm Grovehurst Road Sittingbourne Kent ME9 8RD (S106)	72	0	0
SW/18/506287	Milton Pipes Ltd Cooks Lane Sittingbourne Kent ME10 2QF (S106)	155	18	0
SW/18/506328	Land Lying To The South Of Dunlin Walk Iwade Kent ME9 8TG (S106)	20	0	0
SW/18/505157	Land North Of Sanderling Way Iwade Kent ME9 8TJ	60	5	17
SW/18/502190	Land North of Quinton Road Sittingbourne	913	201	270
SW/18/502372	Land at Great Grovehurst Farm Grovehurst Road Sittingbourne (S106)	110	0	0
SW/18/500257	Land Adjacent to Quinton Farm House, Quinton Road, Sittingbourne (S106)	146	9	0
SW/16/507877	Regent Quay, Land West of Crown Quay Lane (S106)	251	106	0
New developments within the planning area		2,331	533	336
This development		1,750	500	525

Assessment summary

Detail	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
Surplus / (deficit) capacity (excluding the expected pupil product from new developments)	48	79	101	152	191	187	227	247	249	259	229
Expected pupil product from new developments	336	336	336	336	336	336	336	336	336	336	336
Surplus / (deficit) capacity including the expected pupil product from new developments	-288	-257	-234	-184	-145	-149	-109	-88	-86	-77	-107
Expected pupil product from this development	525	525	525	525	525	525	525	525	525	525	525
Surplus / (deficit) capacity including the expected pupil product from new developments **and** this development	-813	-782	-759	-709	-670	-674	-634	-613	-611	-602	-632
Expected pupil product from this development that on current plans for school provision **cannot be accommodated**	**525**	**525**	**525**	**525**	**525**	**525**	**525**	**525**	**525**	**525**	**525**

Background notes:

Pupil forecasts 2022 employed from September 2022. Incorporating roll data from Schools Census Autumn 2021. Data from the Health Authority includes pre-school children born up to 31st August 2021. 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:	Swale	**1-bed:**	250
Site:	Land To The West Of Bobbing Sittingbourne Kent ME9 8QL	**Houses:**	1750
Plan ref:	SW/22/503654	**Flats:**	500
Date:	16/12/2022	**Total units:**	**2500**

Assumed Housing mix:
70% Applicable Houses
20% Applicable Flats
10% Non-Applicable dwellings

Current and forecast pupils on roll for schools within **Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups**

DfE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
4527	Borden Grammar School	645	641	649	657	666	656	666	660	660	667	663
5414	Fulston Manor School	1,044	1,040	1,040	1,030	1,029	1,018	1,020	1,009	1,006	1,014	997
4080	Highsted Grammar School	719	747	756	756	757	753	763	756	754	762	756
4002	Sittingbourne School	1,359	1,363	1,391	1,403	1,428	1,405	1,432	1,421	1,412	1,428	1,415
5434	Westlands School	1,602	1,627	1,656	1,668	1,688	1,688	1,735	1,724	1,735	1,758	1,767
Current and forecast pupils on roll (excluding the expected pupil product from new developments)		5,369	5,418	5,492	5,514	5,568	5,519	5,617	5,569	5,567	5,630	5,598
Required capacity to maintain 2% surplus capacity		5,479	5,529	5,605	5,626	5,682	5,632	5,731	5,683	5,681	5,745	5,713

Current and forecast capacity for schools within **Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups**

DfE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
4527	Borden Grammar School	630	660	690	720	750	750	750	750	750	750	750
5414	Fulston Manor School	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
4080	Highsted Grammar School	720	750	750	750	750	750	750	750	750	750	750
4002	Sittingbourne School	1,380	1,380	1,380	1,380	1,380	1,350	1,350	1,350	1,350	1,350	1,350
5434	Westlands School	1,575	1,575	1,560	1,515	1,470	1,425	1,425	1,425	1,425	1,425	1,425
Current and forecast capacity (1)		5,355	5,415	5,430	5,415	5,400	5,325	5,325	5,325	5,325	5,325	5,325

(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 **Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups**

Planning reference	Details	Houses	Flats	Secondary product
SW/22/505076	Land At Pheasant Farm Bramblefield Lane West Of Iwade Bypass Sittingbourne Kent	42	0	8
SW/22/504274	Land At Sittingbourne Mill Mill Way Sittingbourne Kent ME10 2GZ	0	107	5
SW/22/502963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN	50	0	10
SW/22/503418	Land At Tonge Road Sittingbourne Kent ME9 9BD	16	0	3
SW/22/502881	Land South Of 9 Rushenden Road Queenborough Kent ME11 5HB	13	12	1
SW/22/502834	Land West Of Church Road Bapchild Tonge Kent	251	75	54
SW/22/502086	Land To The East Of Scocles Road Minster-on-sea Kent	650	0	33
SW/22/501005	77 High Street Newington Sittingbourne Kent ME9 7JJ	10	0	2
SW/22/500601	Radfield House And Farm London Road Tonge Sittingbourne Kent	10	0	2
SW/22/500388	Land Rear Of 98A Scocles Road Minster-on-sea Kent ME12 3SN	7	0	0
SW/22/500275	Land South Of London Road Newington Kent	135	0	27
SW/21/506812	25-29 Station Street Sittingbourne ME10 3DU	0	9	0
SW/21/506014	The Lion 2 Church Street Milton Regis Sittingbourne Kent	0	12	1
SW/21/505544	Hillyfield Hearts Delight Borden Sittingbourne Kent ME9 8HX	5	0	1
SW/21/505722	128 High Street Newington Sittingbourne Kent ME9 7JH	39	0	8
SW/21/505498	Land Off Swanstree Avenue Sittingbourne Kent ME10 4LU	135	0	27
SW/21/505096	Land To The North Of Lower Road Teynham Kent ME9 9EQ	23	0	5
SW/21/505041	Land North Of Lower Road Eastchurch Kent	59	0	3
SW/21/504028	Ld at School Lane, Newington	25	0	5
SW/21/503124	Land To The North Of Elm Avenue Minster-on-sea Sheerness Kent ME12 3RZ	44	0	2
SW/21/502256	Land North East Of Nelson Avenue Minster-On-Sea Sheerness	64	0	3
SW/21/501740	Land At Hill Farm Rock Lane Keycol Hill Bobbing (S106)	30	0	0
SW/21/502038	Northern Phase Regent Quay Crown Quay Lane Sittingbourne Kent	84	10	17
SW/21/501334	Land At Fox Hill And School Lane Bapchild Kent ME9 9NL	95	0	19
SW/21/500204	Old House At Home 158-162 High Street Sheerness Kent ME12 1UQ	0	4	0
SW/20/506107	Read's Orchard, Parsonage Chase, Minster-on-Sea ME12 3JX	9	0	0
SW/20/505059	Willow Trees 111 High Street Newington Sittingbourne Kent	10	0	2
SW/20/506066	Storage Land At Lomas Road Bapchild Kent ME9 9BD	14	0	3
SW/20/505921	Land At Highfield Road Minster-on-sea Kent (S106)	19	0	0
SW/20/505156	Former Sittingbourne Adult Education Centre College Road Sittingbourne Kent ME10 1LF	5	17	2
SW/20/503832	Duke of Clarence Trading Estate, High St, Blue Town, Sheerness Kent ME12 1RQ	5	6	0
SW/20/503665	88-100 West Street Sittingbourne Kent ME10 1AS	0	10	1
SW/20/503636	The Former Kemsley Arms Public House The Square Sittingbourne Kent ME10 2SL	0	13	1
SW/20/503325	Land East Of Crown Quay Lane Sittingbourne Kent ME10 3ST (S106)	47	30	0
SW/20/503223	Barrow Green Farm Frenchs Row Barrow Green Teynham ME9 9EH	9	0	2
SW/20/502715	Bobbing Car Breakers Sheppey Way Bobbing Sittingbourne Kent	12	4	3
SW/20/501631	Moores Yard Crown Quay Lane Sittingbourne ME10 3JN	0	43	2
SW/20/501208	240-248 High Street Sheerness Kent (S106)	0	9	0
SW/20/501002	Callum Park Basser Hill Lower Halstow ME9 7TY	9	0	2
SW/18/506677	Halfway Egg Farm Featherbed Lane Sittingbourne ME9 8RA (S106)	19	0	0
SW/19/506093	Ebenezer Chapel Halstow Lane Upchurch Sittingbourne Kent ME9 7AA	0	4	0
SW/19/505036	Land South Of London Road Teynham Kent ME9 9QJ	70	10	15
SW/19/504736	The Ivy Leaf, Members Club, High Street Sheerness ME12 1NL	0	6	0
SW/19/504831	Land at Scocles Farm, Minster on Sea, Sheerness Kent ME12 3RU (S106)	12	0	0
SW/19/503974	Land East Of Iwade Iwade Kent ME9 8ST (S106)	395	48	0
SW/19/503810	Land On The South East Side Of Bartletts Close Halfway Kent ME12 3EG (S106)	17	0	0
SW/19/501921	Land At Belgrave Road, Halfway (S106)	153	0	0
SW/19/501845	2, Bramblefield Lane, East Of Iwade Pass (S106)	22	0	0
SW/19/501332	Land At Pond Farm Grovehurst Road Sittingbourne Kent ME9 8RD (S106)	72	0	0
SW/19/501693	Land To The Rear Of 45-55 High Street Sittingbourne Kent ME10 4BJ (S106)	0	24	0
SW/19/500866	Land At Swale Way Great Easthall Way Sittingbourne Kent ME10 3TF	9	0	2
SW/19/500887	Land Adjacent To 127 High Street Eastchurch Sheerness Kent ME12 4DF (S106)	15	0	0
SW/18/506460	Former Conyer Brickworks Conyer Quay Conyer Kent ME9 9HJ	24	0	5
SW/18/506417	Land At Southsea Avenue, Scarborough Drive, Augustine Road, Sexburga Drive And The Broadway Minster-on-sea (S106)	72	0	0
SW/18/506287	Milton Pipes Ltd Cooks Lane Sittingbourne Kent ME10 2QF (S106)	155	18	0
SW/18/506328	Land Lying To The South Of Dunlin Walk Iwade Kent ME9 8TG (S106)	20	0	0
SW/18/505157	Land North Of Sanderling Way Iwade Kent ME9 8TJ	60	5	12
SW/18/503855	Land off Plover Road Minster Sheppey (S106)	25	0	0
SW/18/503697	Land at Station Road Teynham ME9 9SY (S106)	106	14	0
SW/18/503135	Land West of Barton Hill Drive Minster-on-sea Kent ME12 3LZ (S106-25%)	700	0	0
SW/18/502190	Land North of Quinton Road Sittingbourne	913	201	193
SW/18/502372	Land at Great Grovehurst Farm Grovehurst Road Sittingbourne (S106)	110	0	0
SW/18/500283	Land Adjacent to Sheppey Academy, East Admirals Walk, Halfway ME12 3JQ	34	0	2
SW/18/500257	Land Adjacent to Quinton Farm House, Quinton Road, Sittingbourne (S106)	146	9	0
SW/17/505711	Land at Wises Lane, Borden (S106)	675	0	0
SW/17/500727	Manor Farm, Key Street, Sittingbourne (S106)	50	0	0
SW/16/508117	The Slips, Scocles Road, Minster-on-sea	62	0	3
SW/16/507877	Regent Quay, Land West of Crown Quay Lane (S106)	251	106	0
SW/16/507689	Land between Frognal Lane and Orchard View, Lower Road, Teynham (S106)	300	0	0
SW/16/506946	Bell House, Bell Road, Sittingbourne (S106)	0	122	0
New developments within the planning area		6,413	928	485
This development		1,750	500	375

Assessment summary

Details	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
Surplus / (deficit) capacity (excluding the expected pupil product from new developments)	-124	-114	-175	-211	-282	-307	-406	-358	-356	-420	-388
Expected pupil product from new developments	485	485	485	485	485	485	485	485	485	485	485
Surplus / (deficit) capacity including the expected pupil product from new developments	-608	-599	-659	-696	-766	-792	-891	-843	-840	-904	-872
Expected pupil product from this development	375	375	375	375	375	375	375	375	375	375	375
Surplus / (deficit) capacity including the expected pupil product from new developments **and** this development	-983	-974	-1,034	-1,071	-1,141	-1,167	-1,266	-1,218	-1,215	-1,279	-1,247
Expected pupil product from this development that on current plans for school provision **cannot be accommodated**	**375**	**375**	**375**	**375**	**375**	**375**	**375**	**375**	**375**	**375**	**375**

Background notes:

Pupil forecasts 2022 employed from September 2022. Incorporating roll data from Schools Census Autumn 2021. Data from the Health Authority includes pre-school children born up to 31st August 2021. 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.

Assessment Report

KCC Communities

Development Contributions Assessment

Site Name	Land to the West of Bobbing, Sittingbourne
Reference No.	22/503654
District	Swale
Assessment Date	03/01/2023
Development Size	2,500

COMMUNITY LEARNING & SKILLS

	Services
Current Service Capacity	2,108
LESS Current adult participation in Swale district	2,214
Initial capacity **shortfall**/**surplus** (Year ending 2019)	**-105**
New adult participation from this development	**89.73 clients**
Will service capacity be exceeded?	**YES**
Contributions requested from this development	£16.42 per dwelling
2500 dwellings from this proposal	**£41,050.00**

YOUTH SERVICE

	Centre and Hub based Services	Outreach and Targeted Services
Current Service Capacity	1,811	975
LESS Current youth participation in Swale district	1,901	1,024
Initial capacity **shortfall**/**surplus** (Year ending 2019)	**-91**	**-49**
New youth participation from this development		**125 clients**
Will service capacity be exceeded?		**YES**
Contributions requested from this development		£65.50 per dwelling
2500 dwellings from this proposal		**£163,750.00**

LIBRARIES

Libraries assessed for this development	Library Stock and Services
Current Service Capacity	17,288
LESS Current library participation in Swale district	18,152
Initial capacity **shortfall**/**surplus** (Year ending 2019)	**-864**
New borrowers from this development	**729 borrowers**
Will service capacity be exceeded?	**YES**
Contributions requested from this development	£55.45 per dwelling
2500 dwellings from this proposal	**£138,625.00**

Net contributions requested for KCC Communities' Services	**£343,425.00**

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SOCIAL CARE ASSESSMENT REPORT

KCC Social Care, Health and Wellbeing

Development Contributions Assessment over the planning period 1/1/2019 to 31/12/2039

Site Name	Land to the West of Bobbing, Sittingbourne
Reference No.	22/503654
District	Swale
Assessment Date	03/01/2023
Development Size	2,500

Net Social Care contributions requested:

Social Care and Health Services **£367,200.00**

Kent County Council has statutory* responsibilities to provide a variety of services that support and care for vulnerable adults and children across the county. In line with KCC Strategy**, the modern focus of the service is to support adults to live fulfilling and independent lives at home and in their community, ensuring adults receive the right care when they need it, and are also supported to get back on their feet when it is appropriate and possible.

To support this strategy, KCC seeks contributions toward five priority areas and may choose to apply the whole contribution to a single project, or proportionately between projects. The contribution from the development is the same. The result is greater certainty of project delivery and benefit to new communities to put together workable projects for the community and clients.

Proposed new housing development results in additional demands upon Adult Social Care (ASC) services from increases in older people and also adults with Learning, Physical and/or Mental Health Disabilities. Available care capacity is fully allocated already, with no spare capacity to meet additional demand arising from this and other new developments.

The focus of Adult Social Care is currently on the five areas listed below, offering a preventative approach to providing care. Based on an agreed set of service delivery models, an annual assessment of the impact of new and existing housing on these services has been carried out. Only the financial impacts relating to new housing are displayed.

Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures

* Under the Care Act 2014, Mental Health Act 1993 and Mental Capacity Act 2005

**https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing

A. ASSISTIVE TECHNOLOGY & HOME ADAPTATION EQUIPMENT	*Assistive Technology systems and Home Adaptation Equipment are delivered to vulnerable adults in their own homes, enabling them to: live with the confidence that help is available when they urgently need it and to remain independent in their own homes.*
B. ADAPTING COMMUNITY FACILITIES	*Adapting Community Facilities to be accessible for those with both mental and physical disabilities means vulnerable adults can access other support services and facilities safely and comfortably.*
C. SENSORY FACILITIES	*Sensory facilities use innovative technology to provide a relaxing or stimulating environment for people of all ages with sensory impairment conditions. The facilities may be used to calm stress and anxiety, or to encourage sensory development and social engagement.*
D. CHANGING PLACE	*Changing Places have additional features than standard accessible toilets to meet the needs of people with a range of disabilities and their carers. These toilets are usually located in or near a popular public area to ensure suitable facilities are available for use by vulnerable adults when necessary.*
E. SPECIALIST CARE HOUSING	*Specialist care housing includes extra care accommodation and other care living accommodation for those clients with special requirements. These requirements include but are not limited to, the elderly and those with physical and learning requirements.*

New Social Care Clients generated from this development:	**503 client(s)**
Forecast SC clients generated from ALL proposed developments within the District (up to 2039)	***3,296 clients***
Contributions requested from this development	**£367,200.00**

Contributions requested towards Specialist Housing in the District, Assistive Technology & Home Adaptation Equipment, Adapting Community Facilities, Sensory Facilities and Changing Places in the vicinity of the development.

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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WASTE SERVICES ASSESSMENT REPORT

KCC Waste Services

Development Contributions Assessment over the planning period 1/1/2021 to 31/12/2030

Site Name	Land to the West of Bobbing, Sittingbourne
Reference No.	22/503654
District/Area	Swale
Assessment Date	03/01/2023
Development Size	2,500

Net Waste contributions requested:

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, meaning that it is responsible for the receipt and onward processing/disposal of household waste, providing Waste Transfer Stations (WTS), Household Waste Recycling Centre Services (HWRC) and monitoring closed landfills. Kent residents make approximately 3.5 million visits to HWRCs per year and each household produces an average of a 1/4 tonne of waste to be processed at HWRCs, and 1/2 tonne to be processed at WTSs annually. Kent's Waste Management services are under growing pressure with several HWRCs and WTSs over operational capacity (as of 2020).

In accordance with the Kent Waste Disposal Strategy 2017-2035, 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:

A. WASTE TRANSFER STATIONS (WTS)

Additional waste generated by new households increase the throughput of waste and reduce speed of waste processing at Waste Transfer Stations.

1. Applicable dwellings from this development	**2,500**
*2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)**	*70,100*
3. Overall cost of increasing capacity for 70,100 new dwellings by 2030	*£9,056,920.00*
4. Cost per new dwelling (£9,056,920 / 70,100 new homes)	£129.20
Contributions requested from this development	£129.20 per dwelling
2,500 dwellings from this proposal	**£323,000.00**

Contributions requested towards Sittingbourne WTS

*** 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 – School Sites

Section 1

1. The following sets out KCC's general transfer terms for land. Specific terms will be provided where abnormal site conditions exist. Prior to transfer, the developer/landowner must provide a site-specific information pack containing formal desktop and, if necessary, intrusive land investigation reports by a competent registered expert(s). This pack should confirm that the land and associated areas are:

   i) free from the following, together with details of any mitigation works:

   - 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 such as drains sewers, electricity cables, water mains, gas lines and other utility media crossing the land that would affect the land's ability to be developed as a school.

   NB: Surveys should set out their expiry date and the mitigation measures required to ensure the integrity of the reports right up to the point of transfer. e.g., for ecology, vegetation management when required.

   ii) above flood plain level and adequately drained

   iii) close to accessible public transport (bus stop or railway station).

   iv) to a set of levels (if required), specified by the County Council to allow construction of the new school to local planning authority requirements. This should include any relevant permissions required.

2. Should any of the requirements in paragraph 1 not be satisfied, the developer/owner must implement, at their own cost, an agreed remediation / removal / rectification / diversion strategy prior to transfer to KCC. This should include liaison with all statutory authorities and obtaining all necessary consents from neighbouring landowners and others as required.

3. Any remedial/removal/rectification/diversion works must be designed by competent professional companies and covered by a collateral warranty in a standard industry form for the benefit of KCC or its nominated body.

4. If the site is used for construction or other activities (apart from remedial/ removal/ rectification/diversion work) after the reports required in paragraph 1 has been provided; the developer/landowner must submit additional reports to ensure the criteria have still been met.

5. The land shall be transferred as a single undivided site, and in shape capable of accommodating sports pitches to the appropriate size and levels for the type of school proposed, as set out in Department for Education School Output Specification Technical Annex 2B: External Space and Grounds – May 2022)

6. KCC shall be granted a Licence for access onto the land prior to transfer to conduct surveys and technical investigations.

7. Before the transfer is completed, the land shall be clearly pegged out to the satisfaction of KCC's Director of Infrastructure's delegated representative. It must be fenced with GIS co-ordinates 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 an 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. There must be no onerous covenants that would limit the land's use as a school or restrict any ordinary school activities.

9. The land must not be within a consultation distance (CD) around any major hazard sites and major accident hazard pipelines, as determined by the Health and Safety Executive.

10. Prior to land transfer, the developer/landowner must 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 HGVs and other construction traffic.

11. 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. These are to be of sufficient capacity and depth to accommodate the maximum potential requirement without mechanical aid upon transfer. They should include fresh, foul, and surface water, gas (if applicable), 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: KCC shall not be liable for any associated commissioning, installation, or legal costs. See Section 2 below.

12. The owner shall provide KCC with full drainage rights to allow discharge of all surface water from the land. The surface water management requirements for the school site must be approved by the County Council at design stage, in accordance with the flood risk assessment and/or drainage strategy contained in the planning approval.

13. The developer/landowner shall provide temporary electricity, drainage, and water supplies to the site from the start of construction where formal permanent utilities are not present.

14. A highway for vehicular and pedestrian use (adopted or capable of being adopted) suitable for the site's intended use as a school must be provided up to a suitable point on the site boundary. The highway and any alternative access must be approved by KCC, which will not be liable for maintenance charges should the developer chose not to adopt it. The developer/landowner must also provide crossing points, pedestrian and cycling routes on the adjoining highway networks and other measures as required by the Highway and Local Planning Authority to service the land. This will include active travel routes, linking the school site with the new development and existing dwellings.[1]

15. The developer/landowner shall provide separate entrance and exit points on to the adoptable highway from the school site, in compliance with the Highway Authority's 'in and out' access requirements and guided by the site layout.

16. No mobile phone masts, overhead cables etc shall be located within 250m of a school site. Where possible the developer/landowner must impose a covenant that none will be erected within this distance of any site boundary.

17. KCC shall be granted rights to enter as much of the Developer's adjoining land as is reasonably necessary to carry out construction works on the site. KCC shall be responsible for making good any disturbance, to adjoining owner's reasonable satisfaction.

18. The landowner shall be responsible for KCC's legal costs, surveyor's fees and administrative costs incurred during the land transfer negotiations and in completing the Section 106 Agreement. These include Land Registry costs, any easements/licences, and any other related documents and Project Management agreements.

19. Site plans to a scale of 1:1250 and marked with GPS coordinates showing site levels, access, boundaries, details of any adjoining development shall be supplied to KCC in a suitable electronic format, together with paper copies, prior to transfer.

20. Subject to the above, adjoining uses should not cause interference, conflict or be inappropriate in any way to school curriculum delivery. This includes, but is not restricted to, adverse conditions, disruption and inconvenience by noise, dust, fumes, traffic circulation, artificial lighting, etc.

Section 2

PRIMARY SCHOOL Service Requirements – Example for 2 Forms of Entry (FE)

INCOMING SERVICES

ELECTRICITY

250 kVA (280A) for main base building with additional capacity/supplies for:

- Electrical infrastructure to allow for 20% of parking spaces with electric vehicle chargers (EVCs) - a minimum of 10% active and 10% passive - or in accordance with planning requirements if higher.
- External lighting (car parks, MUGAs etc)
- Life safety systems such as fireman's lifts, sprinklers, smoke ventilation.

GAS

60 cu m/hr 430,000 kWh/year

WATER

15 cu m / day, 4 l/s (63mm NB)

FIRE HYDRANT

A 200 diameter 20 l/s fire supply in accordance with fire regulations, to be in the Highway adjacent to the school entrance and within 90m from an entrance to the school building.

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 must provide sufficient capacity, including duct sizing, to cater for all future development phases, and flexibility to existing and future educational delivery needs. The infrastructure shall be laid out in accordance with the approved details, at the same time as other services during construction.

DRAINAGE

Surface water drainage shall be discharged in accordance with the approved strategy agreed at planning and following review by the Lead Local Flood Authority (LLFA).

In general, surface water flow from impermeable areas must discharge to the ground in the first instance, as stated within Building Regulations H3. Where underlying ground

conditions are not acceptable, the site discharge rate shall be limited to greenfield runoff rates for appropriate design rainfall events. For initial design purposes, this may be assumed as 4 l/s/ha from the total impermeable area or can be calculated using standard guidance approved by the LLFA.

On some occasions, management of surface water runoff generated from the school site may be included within wider development site provision through a strategic surface water drainage system. This must comply with the allowances and provisions specified in the Drainage Strategy approved as part of the original site-wide planning application: the applicant must contact the LLFA before pursuing this approach.

The surface water drainage system must provide service levels that ensure the drainage network does not surcharge for a 1-in-1 year event or 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. It must also provide adequate access for inspection and maintenance.

Any drainage strategy should comply with the latest version of Kent Drainage and Planning Policy.

NOTE

These are indicative requirements. KCC will need to confirm exact requirements at the detailed design stages.

SECONDARY SCHOOL Service Requirements – Example for 8 Forms of Entry (FE)

INCOMING SERVICES

ELECTRICITY

380 kVA for main base building with additional capacity/supplies for:

- Electrical infrastructure to allow for 20% of parking spaces with electric vehicle chargers (EVCs) - a minimum of 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 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

A 200 diameter 20 l/s fire supply in accordance with fire regulations, to be in the Highway adjacent to the school entrance and within 90m from an entrance to the school building.

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 must provide sufficient capacity, including duct sizing, to cater for all future development phases, and flexibility to existing and future educational delivery needs. The infrastructure shall be laid out in accordance with the approved details, at the same time as other services during construction.

DRAINAGE

Surface water drainage shall be discharged in accordance with the approved strategy agreed at planning and following review by the Lead Local Flood Authority (LLFA).

In general, surface water flow from impermeable areas must discharge to the ground in the first instance, as stated within Building Regulations H3. Where underlying ground conditions are not acceptable, the site discharge rate shall be limited to greenfield runoff rates for appropriate design rainfall events. For initial design purposes, this may be assumed as 4 l/s/ha from the total impermeable area or can be calculated using standard guidance approved by the LLFA.

On some occasions, management of surface water runoff generated from the school site may be included within wider development site provision through a strategic surface water drainage system. This must comply with the allowances and provisions specified in the Drainage Strategy approved as part of the original site-wide planning application: the applicant must contact the LLFA before pursuing this approach.

The surface water drainage system must provide service levels that ensure the drainage network does not surcharge for a 1-in-1 year event or 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. It must also provide adequate access for inspection and maintenance.

Any drainage strategy should comply with the latest version of Kent Drainage and Planning Policy.

NOTE

These are indicative requirements. KCC will need to confirm exact requirements at the detailed design stages.

November 2022

Andrew Lainton
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Flood and Water Management
Invicta House
Maidstone
Kent
ME14 1XX
Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: SBC/2022/093131
Date: 5 January 2023

Application No: 22/503654/EIOUT

Location: Land To The West Of Bobbing Sittingbourne Kent ME9 8QL

Proposal: Outline application (all matters reserved except for access) for a mixed used development comprising up to 2,500 dwellings, a 4.99ha commercial employment zone including doctors surgery, a 4.2ha sports hub, primary school, community facilities, local retail provision, public open space, children's play areas and associated parking, servicing, utilities, footpath and cycle links, drainage, ground and other infrastructure.

Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment (17/06/2022- Revision 6) prepared by GTA Civils and have the following the comments to provide:

The report informs the LLFA that the current proposals to manage surface water runoff from the development would be for a combination of swales and attenuation ponds that have a restricted discharge into two existing watercourses, prior to flowing into the Iwade Stream.

Highlighted within the report and our pre-application guidance (appended to the report) was the passage of surface water from the existing ditches into the Iwade Stream, which passes through the village. The watercourse (designated main river upon entering Iwade) has been a cause of flooding to the village in the past, most recently being 2018. It is essential that any development is sympathetic to the wider network and does not increase risk to the downstream community.

Statement 5.1 details that discharge into the Iwade Stream will be restricted to the calculated greenfield Qbar rate of 4.1 l/s per hectare for all return periods. With the proposal only at outline stage, multiple discharge points into the streams are proposed and as such a total discharge rate into the Iwade Stream would be 137.35 l/s (Based upon 33.5 ha of impermeable area).

Whilst the LLFA would typically accept the application of Qbar as a restriction for surface water discharge, there is concern/ uncertainty in regards to the capacity within the stream, particularly the section passing through Iwade itself. As part of the S19 Flood Investigation report for Iwade Flood of 2018, it was found that the culvert section passing under Sheerstone Road had to be overpumped due to the volume limitations of

the culvert. This followed a previous large scale flood event back in 2002 that was caused as a result of a blockage within the watercourse.

With the creation of large scale impermeable areas, the overall volume of surface water leaving the site area is expected to increase substantially compared to the existing scenario. The LLFA accepts that managing increasing volumes of runoff is complex and as such would seek to explore options of reducing the discharge rate further to mitigate any possible impacts of volume downstream.

One option for mitigating runoff is the inclusion of longer term storage for the large portion of the developable area discharging to the central watercourse. This could be through the creation of a dedicated wetland area within the northern area between phases 10 and 11. It is understood from the Open Space Strategy drawing (August 2022) that this area is to remain natural in setting and may provide options for the inclusion of a large scale feature such as this. We view that a wetland feature will reduce the reliance of providing smaller scale SuDS features throughout the development and deliver enhanced biodiversity benefits.

Further to the item raised above, we would recommend consideration of the following:

1. If the application of Qbar is to remain in place, there is a further question in regards to the contributing areas to the watercourse under current conditions. Digital Elevation Modelling suggests that the eastern side of the southernmost field (above railway line) would actually fall eastwards towards Sheppey Way and not northward. Should areas not already contributing to the watercourse be connected, those areas respective run off rates shall not be included within the permissible discharge rate.

2. The positioning of attenuation features through the central part of the site under current proposals would be separated by the delivery of phasing, as shown on the Residential Phasing Strategy drawing (December 2020 - Revision H). It is important that cascading surface water features are constructed at the onset of development. Ideally these features would be encapsulated within the primary infrastructure/ spine road phase.

The LLFA are open to discussions on the proposals should the applicant want to further discuss these points raised within our consultation response.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Daniel Hoare
Flood Risk Project Officer
Flood and Water Management

Growth, Environment & Transport

Invicta House
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 411683
Ask for: Simon Jones
Email: Simon.Jones@kent.gov.uk

Alex Jelley
Swale Borough Council
Development Control
Swale House
East Street,
Sittingbourne,
Kent
ME10 3HT

BY EMAIL ONLY

01 March 2023

Dear Alex,

Re: Outline application with all matters reserved for a proposed development at land to the West Of Teynham, London Road, Teynham, Kent [application reference: 21/503906/EIOUT]

Thank you for consulting Kent County Council (KCC) on the outline planning application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of the demolition and relocation of existing farmyard and workers' cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.

The County Council notes that this application has been submitted alongside a related proposal at land south and east of Sittingbourne (reference: 21/503914/EIOUT). A separate response is made in respect of that application, and where appropriate, the cumulative impact of these two applications is considered.

The County Council draws reference within this response to the prior response submitted in respect of this, and the related west of Teynham Road application – this response was provided on 30 November 2021 and is available on the application portal for reference.

In summary, and in considering the application as it currently stands, the County Council raises a **holding objection** on the following grounds:

- The proposal fails to provide appropriate modelling or sufficient information to provide KCC as the Local Highway Authority with an adequate understanding of the impact of the development in respect of highways and transportation. As such, KCC is not in a position to properly assess whether proposed mitigation measures are acceptable. Furthermore, as Local Highway Authority, the County Council would also raise the following issues with this application which are required to be resolved ahead of determination of this application:
    - Inappropriate modelling and a requirement for additional information.
    - Insufficient facilities at proposed junctions and existing infrastructure to promote the reported benefits to modal shift.
    - SATURN modelling links need to include the proposed connection to Lower Road and A2.
    - Junction performance analysis for the development accesses to be provided.
    - Inappropriate single carriageway proposed for link to the north of Bapchild.
- As submitted, the proposal provides insufficient information to fully assess the impact of the development on the Public Rights of Way Network (PRoW) network, including its management and incorporation into the development. The County Council has received no contact with the applicant in respect of PRoW since the previous County Council response. It is not considered acceptable for the PRoW strategy for the site to be determined at a later stage, as currently proposed. The proposed development would both sever and fragment the existing network over a considerable area and a considerable period. There is a clear need for discussions and contributions towards the incorporation, improvement and management of the PRoW network given the scale of the development proposed. The application shows incorrect alignments of PRoW routes on plans which must be corrected, before the holding objection could be removed.
- Further discussions are required with the County Council in respect of the provision of education, waste and community infrastructure. The proposal does not provide the necessary and appropriately located primary education sites, and a site is required to be identified for the provision of a new Household Waste and Recycling Centre. The County Council would welcome engagement with the applicant and the Local Planning Authority in respect of the contributions required as detailed within Chapter 3 (Provision and Delivery of County Council Community Infrastructure and Services).
- The Lead Local Flood Authority requires specific information to support the sizing and location of infiltration drainage measures and demonstrating that these features can be integrated within the open space provision with appropriate setbacks.
- There is insufficient information to demonstrate there would not be needless sterilisation of safeguarded mineral deposits. The proposal therefore fails to provide sufficient information to KCC as Minerals and Waste Planning Authority to fully assess whether the proposed development can invoke any exemption criterion of Policy DM 7: Safeguarding of Land-won Minerals (Kent Minerals and Waste Local Plan 2013-30 (as Partially Reviewed).

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

The County Council will continue to work closely with the Borough Council to help ensure the delivery of new housing and infrastructure in response to local needs – delivering sustainable growth for the Swale Borough. The County Council will welcome engagement with the applicant and the Borough Council as Local Planning Authority in addressing 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,

Simon Jones
Corporate Director – Growth, Environment and Transport

Contents

1. Highways and Transportation

The County Council's previous consultation response was submitted on 30 November 2021. The amended submission details from November 2022 relate to a number of documents that were referred to in that response. The actions within this chapter require resolution ahead of determination of the application. The previous response had commented on the following Transport Assessment documents:

- Transport Assessment Volume 2 – Policy Context & Strategic Justification
- Transport Assessment Volume 3 – Site Context
- Transport Assessment Volume 4 – Development Proposals
- Transport Assessment Volume 5 – Sustainable Transport Strategy
- Transport Assessment Volume 6 – Highway Infrastructure Proposals
- Transport Assessment Volume 7 – Traffic Impact Appraisal
- Transport Assessment Volume 8 – Mitigation Proposals

The latest submission documents only supersede volumes 3, 5 and 7, so the comments already provided in respect of volumes 2, 4, 6 and 8 remain applicable and the actions required will still be outstanding. For clarity, those comments included within the November 2021 response are replicated within the highway comments below, which should also be read in conjunction with the previously included WSP report (available within the 30 November 2021 response).

However, the submitted volume 7 appears to be corrupt as it is missing pages and the bulk of text is either omitted or illegible and therefore cannot be read. No comments can be provided at this time on volume 7, and assessment of that will only be able to commence when the appropriate document is available from the planning portal and accessible for public viewing. Given volume 7 contains the Traffic Impact Appraisal, this is of course one of the most relevant documents for consideration by the Local Highway Authority.

Action – An uncorrupted version of Transport Assessment Volume 7 must be submitted in order for consultees and the public to access it.

Updated Comments

In reviewing the amended documents, volumes 3 and 5, the following comments are now provided regarding the actions previously requested relating to these:

Transport Assessment Volume 3 - Site Context

Baseline Operation

Previous comment – *The 2017 Base data as shown in table 4.1 taken from the Swale (STM) has been checked and all flows other than the AM flows on the A249 north of the A2 and the PM flows between M2 J6 and J7 have are agreed as accurate.*

Table 4.1 in the latest version still retains the same 2 queried figures.

Action - Clarity is required for the two figures mentioned above that the County Council are unable to replicate, before the application is determined.

Previous comment – *It is noted that there are a number of highways that would be impacted by the development that have been omitted from the baseline assessment.*

Other local adopted roads affected by the development that have not been mentioned but should be included are as follows.

In an assessment for this application only;

Swale Way, Lower Road (Teynham), Station Road (Teynham) Hempstead Lane, Committed Frognal Gardens access road, Lomas Road, School Lane, Church Street, Dully Road, Lynsted Lane.

Additional highways in an assessment for the cumulative impact of both Highsted Park applications;

Ufton Road, Bell Road, Tunstall Road, Rectory Road, Cromer Road, Highsted Valley, Highsted Road, Stockers Hill, Bottom Pond Road, Green Lane, Panteny Lane, Bexon Lane, Swanton Street.

Without being able to access Volume 7 it cannot be confirmed whether the action requested has been completed.

Action – Traffic flow details and highway safety assessments to be added for the above-mentioned affected highways. The application cannot be properly assessed without this information.

Highways Safety

Previous comment – *The Highways safety section is presented in a summary form only without any details of the incidents that have occurred. It is therefore not possible to review whether or not there are any patterns. Greater detail of the incidents reviewed should be presented along with any specific clustering alongside a justification for each assessment. This assessment will enable us to confirm or otherwise the conclusions made by the applicant.*

Without being able to access Volume 7 it cannot be confirmed whether the action requested has been completed and contained elsewhere within that document. Nonetheless, Table 4.3 in Volume 3 has not been updated to provide a summary of the accident data for those highways listed.

Action - In addition to the links presented, any highways not mentioned from the list above should be included in the assessment. The application cannot be properly assessed without this information.

Action - Greater detail of the incidents reviewed should be presented along with any specific clustering with a justification for each assessment, before the application is determined.

Traffic Conditions

Previous comment – *The statement in 4.2.6 and 4.2.7 was out of date at the point of submission with consent being granted by the Planning Inspectorate to proceed with delivery of the M2 J5 (RIS) scheme.*

Statements 4.2.6 and 4.2.7 remain out of date. In addition to consent being granted by the Planning Inspectorate to proceed with the delivery of the M2/J5 RIS scheme, work has commenced with completion due winter 2024.

Action – Update the TA to reflect status of the M2/J5 scheme before the application is determined.

TA document 5: Sustainable Transport Strategy

Objectives

Previous comment – *The proposed strategy, and development as a whole seeks to adopt similar objectives to those contained within the Swale Draft Transport Strategy, as mentioned above. There are, however, objectives set within the application's own strategy that do not accord with the Borough's.*

Objective 4. Encourage and facilitate, through a flexible framework, innovation in transport technology that place the Proposed Development and Swale at the cutting edge of sustainable transport solutions and a 'net exporter' of ideas;

There is a distinctive emphasis on transport innovation yet untested. Whilst an admirable objective there will need to be far greater detail on the proposals and whether or not they can be sufficiently legislated and approved on a public highway.

Objective 5. Present clear, demonstrably deliverable and tangible measures to achieve the objectives that learn from past experiences and respond to the shortcomings of historic strategies (and those emerging in draft) which set aspirational objectives but fail to secure effective and deliverable solutions.

The Borough's draft strategy is clearly marked as such, has a list of deliverable measures interventions and includes a stated flexibility for evolution to respond to emerging

technologies and changes to travel patterns. The first part of the objective would therefore be in accord with the draft policy, the second part is not supported, being as it is a derogatory and unnecessary comment which neither adds anything to the objective nor conducive to positive engagement between the Highway and Planning Authorities.

The comments above still apply. Disappointingly, the text of stated objective 5 has not been amended.

Public Transport Strategy

Previous comment – *The proposals seeks to initially make use and extend the existing bus services along the A2 making sure that all development lies within the required 400m threshold but also to ensure that the maximum headway would be 30 mins between services.*

Services are expected to connect with Sittingbourne and Faversham and when appropriate to do so, the wider development at Highsted Park.

The applicant has acknowledged that diversion of existing services may be necessary to reach the required 400m distance threshold.

The Highway Authority is in agreement that the proposed highway infrastructure connecting the Northern Relief Road and the Lower Road connection to Teynham Station opens up the potential for more efficient bus routing. This would allow existing or new services to connect Teynham and Faversham directly with the employment areas of Eurolink Park and Teynham Railway Station.

There however appears to be no bus priority measures proposed within the development which would be viewed as necessary addition by the Highway Authority.

Action *– Provide details of any bus priority measures within this section of the TA.*

No further information has been provided within this section of the TA to suggest the use of bus priority measures, so the action remains outstanding.

Development Rail Access

Previous comment – *It is assumed that there is a typographical error in paragraph 5.3.1 where is mentions connectivity to the Chartham main line, which KCC has taken to meaning the Chatham main line.*

Train services along this line are relatively frequent offering an hourly service in both directions during the inter-peak. A very good early morning and PM peak service is offered with increased frequency of between two to three services in the hour.

High speed services are mentioned as operating along the line but it should be clarified that high speed services are not available from Teynham station.

The TA mentions that the development seeks to maximise opportunities to access rail through various modes. Little detail is provided other than mention of walking, cycling and bus connecting routes and an intended community travel plan.

***Action –** Further indication on how rail travel is proposed to be maximised is requested*.

The revised document still contains the error referring to the Chartham main line but does now include details on promoting rail travel and connectivity to Sittingbourne and Teynham Stations. However, reference is made to Figure 5.1 within the document, which does not appear to have been included.

The Local Highway Authority welcomes the proposed implementation of coordinated ticketing for combined bus and rail trips. The scale of the development does provide the opportunity to procure these tickets at favourable rates, although no details have been given on whether service providers have expressed a willingness to facilitate this.

Paragraph 5.3.10 only commits to exploring the scope for development of sustainable travel hubs. It is considered that more priority should be given to this.

The use of real-time information systems is supported, and this is considered to be a good tool to encourage public transport use. While it is commonplace for this information to be displayed at bus shelters and travel hubs, the strategy does not indicate whether the information will also be easily available elsewhere, such as in homes and businesses to help people plan when to set off for their journeys.

Action – Greater emphasis should be given on the intention to provide sustainable travel hubs, and more details regarding the accessibility to real-time information within the development, before the application is determined.

Framework Community Travel Plan

Previous comment – "*The Highway Authority welcomes the inclusion of a framework travel plan. The applicant is expecting a condition to the required to ensure delivery of a Community Travel Plan to cover both the Highsted applications. We would agree and recommend that a combined Travel Plan is a conditional requirement.*

The Travel Plan would need to be monitored by the Highway Authority and a financial contribution would be required to ensure our costs for this are covered.

The Framework Travel Plan includes a number of potential measures that are agreeable, these being;

- *Defined targets to increase use of Public Transport, Walking and Cycling. Increase up-take of EV cars and car sharing.*
- *Integration of parking to facilitate EV and/or car sharing and appropriately located cycle parking hubs*
- *An electric bike hire scheme with associated infrastructure*
- *Public Transport services*
- *Provision of a 5m+ NMU corridor to facilitate any emergent autonomous technology*
- *Free or discounted public transport passes*
- *Vouchers for cycling equipment*
- *Promotional material to support the travel plan*
- *A central web-based framework for tailoring bespoke individual travel plan services*
- *Cycle Training*

***Action** - Additional measures that the Highway Authority also considers to be appropriate for this development would be bus shelters and waiting facilities and central community collection points such as Amazon lockers. Also the provision of public seating at regular intervals along the SMC and on other key walking corridors to accommodate elderly and mobility impaired persons they may need to rest along the route. These should be demonstrated.*

No measures for employment staff travel plans have been included in the application which as above undermines the portrayed sustainability of the proposals.

***Action** – Inclusion of a framework employment staff travel plans should also be provided.*

Whilst mentioning many agreeable options the Framework Travel Plan has given no consideration to the cost of each incentive.

***Action** - KCC will require a full cost plan demonstrating the expected outlay being provided towards each of the individual incentives to a level that can be fully considered by the Planning Authority in the review of viability assessment and for consideration of any Section 106 financial contributions.*

No targets or objectives could also be found which are fundamental to any TP.

***Action -** Guidance should be sought from KCC on the required inclusions of the TP.*

This section of the revised document has not been amended from the original version, so it is considered that the same actions remain as per the previous response.

Previous KCC Comments on Remaining Volumes

Transport Assessment (TA) Document 2: Policy

The National Planning Policy Framework (NPPF) references made in chapter 3 are out of date, following an update to the NPPF in July 2021. The changes however predominantly relate to numbering and the correct numbering being paragraphs 104 to 113 within chapters 9 and 10. The element not referenced in the TA is in regard to paragraph 110 (c), which requires developments to meet "the design of streets, parking areas, other transport elements and the content of the National Design Guide and National Model Design Code.

In assessing the application, KCC's attention is drawn to paragraph 110 of the TA Document 2: Policy:

a.) *The application and infrastructure proposed provide opportunities to promote sustainable transport modes. This is delivered through the application's ability to internalise movements and design in sustainable options from the outset. It is however considered that the application will be required to follow through its sustainable intentions into the junction designs. This is covered in the response.*

b.) *Safe and suitable access is yet to be demonstrated due to incomplete modelling and assessments on its impacts on highway safety. In its current form the application does not comply with this policy.*

c.) *The streets, parking areas and other transport elements have not been demonstrated to comply with the National Design Guide and National Model Design Code. In its current form, it is unclear as to how the application complies with this policy.*

d.) *Significant impacts from the development on the transport network have not been demonstrated to be cost effectively mitigated to an acceptable degree due to incomplete modelling evidence. In its current form, the application does not comply with this policy.*

***Action** – Updated NPPF policy reference and evidence required.*

Reference to KCC's LTP4 remains current and includes reference to page 39 of LTP4 and the identified improvement labelled as an "extension to the Northern Relief Road to the A2 and then M2". As proposed, this application includes the infrastructure as referenced. Importantly though, this should be put into context of the content of page 25, which reflects that the schemes are identified from individual district's Local Plans and Transport Strategies. It is noted that this infrastructure did not appear to be a priority for Swale Borough Council during the recent Regulation 19 draft Local Plan consultation.

In the longer term, KCC as Local Highway Authority considers that the modelling presented through the various stages of the Local Plan Review that infrastructure of this nature could be necessary to facilitate any growth occurring in the area between Sittingbourne and Faversham due to pre-existing congestion, junction capacity and air quality.

Swale Draft Transport Strategy.

The Transport Strategy is designed to respond the emerging Local Plan Review, and it is envisaged that the six stated objectives of the Swale Borough Council Transport Strategy will remain the same; these being:

Objective 1	*To promote active and sustainable travel enabling residents to take up these modes*
Objective 2	*To reduce and mitigate the impact of poor air quality related to transport whilst striving for net zero*
Objective 3	*To improve the journey time reliability and resilience across the transport network*
Objective 4	*To support the economic growth and development projected in the Local Plan Review*
Objective 5	*To consider the needs of all users across the transport network*
Objective 6	*To substantially reduce all road casualties and progress towards zero killed and seriously injured (KSI) casualties*

Objective 1

The application includes measures to support this objective through the following proposals:

- *Reduction in Sittingbourne Town Centre Traffic*
- *Additional Non-Motorised Users (NMU) routes provided connecting with Teynham Station*
- *New highway infrastructure that creates opportunities for improvements to bus services*
- *Opportunities for internalisation of movement through accessible local amenities*

Objective 2

The application includes measures to support this objective through the following proposals:

- *Reported reductions in traffic through existing AQMA's*
- *Improved opportunities for modal shift*

Objective 3

The application modelling needs to be updated to demonstrate that it is complaint with this objective.

Objective 4

The application duplicates the economic growth and development required by the Draft Local Plan Review and has not been demonstrated to support the growth strategy proposed by the Borough Council.

Objective 5

The application includes measures to support this objective through the provision of new internal walking and cycling routes and a proposed NMU corridor. It however fails to meet this objective with a lack of crossing provision or appropriate facilities being provided across and along the proposed link road infrastructure.

Objective 6

Highway safety assessments are incomplete and as such the application fails to demonstrate compliance with this objective.

KCC would expect these objectives to be better met through the application.

TA Document 4: Development Proposals

This element of the application includes the following components;

- *1,250 residential units including a Care Home*
- *2,200 sqm of commercial Class 3*
- *Mixed use neighbourhood amenities Classes E F1 and F2, retail, leisure and Pub/restaurant*
- *1 Primary School 3FE*
- *New highway access points including diversion of the A2 and the completion of the Sittingbourne Northern Relief Road*

The applicant has submitted a cumulative impact of both this application and that of 21/503914 only. Unusually it is not therefore possible to assess this application on its own merits from a highway perspective. We have dealt with the cumulative assessment latterly in this response; this section therefore deals with the individual elements of this development.

Junction G A2 (C)

A four arm roundabout on the A2 East of Bapchild with two express lanes shown on the drawing between the Southern and Western arm and the Western and Northern arms.

The inscribed circle diameter (ICD) of the roundabout does not appear to be mentioned but should be confirmed. KCC's assessment taken from the drawings provided appears to demonstrate an ICD of 62m, with 8m circulatory carriageway and two 3.5m lanes approaches to each arm. These are agreed to be in accordance with CD116.

Both express lanes are demonstrated with give way lines which maybe unexpected, particularly on the elements of network that would be a part of the Northern Relief Road. Nearside kerb radii have not been shown for the express lanes.

***Action** - Nearside kerb radii should be demonstrated for the express lanes and discussion with the Local Highway Authority on the appropriateness of the express lane design approach.*

There appears to be a 3.5m footway/cycleway provision on each arm of the roundabout with a refuge island crossing facility provided on the Eastern Arm only. The lack of facilities for NMU crossing at this critical access point would be a significant barrier to onward movement between the existing settlement of Teynham, the train station and between the development proposals either side of the A2. In turn this undermines the proposed objectives of sustainability.

***Action -** A single span signalised crossing facility catering for cyclists should be provided on the Eastern arm in accordance with design standards.*

The TA makes many references to benefits of reduced traffic on the A2 to aid its use for sustainable access however the proposed arrangement introduces significant and unacceptable barriers to East-West movement along the A2. NMU desire lines should be as direct and convenient as possible and the combined diversion of the A2 with a priority junction and the new roundabout introduces detrimental impacts on East-West cycling between Teynham and Sittingbourne.

***Action** - Further provision is required to facilitate cycling along the alignment of existing A2. It would appear from the indicative masterplan that there could be potential for a two way grade separated cycle lane to be provided under the Southern Arm of the roundabout.*

***Action -** Stopping distance visibility needs to be clearly marked on the drawings for our review.*

Sight lines out of the existing A2 from Bapchild have not been demonstrated but would appear to be substandard for a 40MPH Road or a 30MPH to 40MPH transition from the roundabout.

***Action** – Further consideration to be given on the design layout for the A2 east of Bapchild, as this currently appears to be substandard and unacceptable in design. There may be opportunities for bus priority to be incorporated..*

Link North of Bapchild from Junction G – X

The speed limit transition point and proposed speeds from 30MPH to 40MPH at a point just or North of the existing A2 junction is agreed.

The road is designed as a single carriageway which raises significant concern. The first section of the proposed Southern Relief Road is demonstrated within application 21/503914 as being dual carriageway due to the higher levels of two way flows. In the cumulative assessment this section of the A2 has similar, higher in the AM peak, two way flows to that of the proposed dualled road. It is considered that for reasons of highway safety and expected flows that this section should be dual carriageway.

***Action** – Consideration by the applicant on dual carriageway for this section of proposed new road.*

Hempstead Lane is severed across the new road the principle of which is agreed.

All side road junctions have right turn lane facilities. Priority measures would need to be provided for cyclists, further comments on these are made latterly in this response.

The proposed road crosses Public Right of Way ZR191 and ZR192 and the treatment of this should be sought by the PROW and Access Service.

***Action** -There is currently no proposed crossing facilities for the public footpaths which will need addressing.*

The proposed road also crosses an open ditch and a culvert is proposed.

***Action** - Full details of any structures will be required at the appropriate stage in the planning process.*

Shared Use facility - the road is proposed to include a 3m shared footway/cycleway on each side of the road at cross section A. Whilst such facilities are still appropriate in some situations LTN 1/20 is generally advising that purpose build segregated, or part segregated routes be provided of cyclist. In accordance with that guidance update KCC would require a discussion on the most suitable design. Treatment at the roundabouts should be discussed with the Local Highway Authority. Cross section B is only showing a 3m shared facility on the South side of the road being inconsistent with section A for no apparent reason.

***Action** – A consistent segregated cycle route to be provided along this section of road in accordance with LTN 1/20 on both sides. This should tie into the shared facility NMU corridor proposed for the access spine road in the development area to the North.*

Carriageway

The carriageway width is proposed to be 7.3m wide which is not agreeable. Cross section A demonstrates a 7.3m carriageway including 5m central ghost treatment which would result in substandard width running lanes. A minimum of 3.2m running lanes would be necessary.

***Action** – Applicant to approach KCC as the Local Highway Authority for guidance on the required highway cross section.*

Link North of Bapchild from Junction X to R

The speed limit transition point and proposed speeds from 30MPH to 40MPH at a point just South of Junction X is agreed. This extends the current 30MPH zone from Sittingbourne past the Stones Farm access to Junction.

Comments on the proposed change to the Stones Farm access are made latterly in this response.

Shared Use facility - The road is proposed to include a 3m shared footway/cycleway on only one side of the road. As above, KCC would require a discussion on the most suitable design solution. Treatment at the roundabouts and Stone Farm signals should be discussed with the Local Highway Authority.

***Action** – A consistent segregated cycle route to be provided on both sides of this link.*

Carriageway. The carriageway width is proposed to be 7.3m wide which KCC agrees to.

Junction R (A2 West)

Paragraph 4.3.6 mentions that the junction has been designed to maintain the standard and capacity of the consented access however there appears to be a single lane approach to the western arm in the proposal, reducing the capacity from current two lane approach. The existing junction also appears to have been rotated involving what appears to be a complete rebuild of the recently constructed access, this would be strongly resisted. KCC would question the rationale and need for this as it would cause considerable and potentially unnecessary changes to the primary highway.

***Action** - It is requested that an overlay of the existing layout be placed on the proposals and that the applicant reviews this junction with a view to making amendments that such that the proposals can be built sufficiently off-line. Further consideration for East-West cycling is also required.*

***Action** - Moving North from the junction along the new link road KCC would request details of the interaction between the proposed Stones Farm attenuation pond.*

***Action** - Stopping distance visibility needs to be demonstrated for review of the Local Highway Authority.*

Link connecting to the SNNR between junction X to W

Heading to the South, the proposed continuation of the Sittingbourne Northern Relief Road (SNRR) elevates over Lomas Road and the North Kent Mainline railway. Pre-application discussions with Network Rail on the principle of a bridge as demonstrated were conducted. During those discussions it was acknowledged that the bridge would provide for strategic highway as identified with the County Councils Local Transport Plan 4. As it appropriate for this stage of an application, no agreement for the structure has been secured between the applicant, Network Rail and the Local Highway Authority.

***Action** - Full details of this structure should be provided for review of our structural engineers and direct engagement with Network Rail and the developer will be necessary. Full details and justification for any departures from standards regarding the structure should be provided.*

***Action** - A condition requiring an agreement for the structure, ownership and maintenance must be secured prior to any commencement of the development were it to be approved.*

The design speed of 40MPH for this section of the link road is agreed.

Shared Use facility. The road is proposed to include a 3m shared footway/cycleway on the West side of the road only. Notwithstanding earlier comments on LTN 1/20 there is a distinction between the treatment of the SNRR and the A2. It is therefore agreed that the proposal would be consistent with the existing facilities at on the SNRR. KCC would consider that Junction X would be the most suitable transition between the segregated and shared facilities. KCC would however consider that the 3m provision should be increased to 4m to allow for two way cycling in accordance with LTN 1/20. Treatment at the roundabouts should be discussed with the Local Highway Authority.

***Action** – The shared facility to be increased to 4m side in accordance with LTN 1/20. This should tie into the shared facility NMU corridor proposed for the access spine road in the development area to the North.*

Carriageway. The carriageway width is proposed to be 7.3m wide which is agreeable.

Lomas Road

The provision of the additional link road reduces the necessity for vehicular access along Lomas Road. As such it is advised that a Traffic Regulation Order (TRO) and off-site mitigation scheme removing vehicular access should be provided. A modal filter at this location would then help facilitate an east- west cycle route avoiding the main roads as proposed within the Swale Draft Transport Strategy.

***Action** – Applicant to demonstrate a Lomas Road modal filter scheme in accordance with the Swale Draft Transport strategy in order to promote cycling for the proposed development.*

Junction S, Swale Way

The proposals seek to connect to the existing roundabout placing a Southern arm that replicates the Northern arm layout changing it from an existing three arm to four arm roundabout. Mention is made of mitigation for the Western arm, there is however limited information on the drawing to demonstrate this. KCC requires information on the proposed lane markings, stopping distance visibility lengths and provision of additional North South NMU crossings.

Junction W (Swale Way E)

***Action** - Clarity is sought in regard to the necessity of this junction as there is no development proposed within the application for development to the East. As such the junction merely introduces delay without any apparent justification.*

Junction X

A three arm roundabout is proposed with an express North to East lane. Lane markings and carriageway width for the southern arm is not clear due to annotations on the drawing. Express lanes appear to be 3.5m wide in accordance with CD116 but should be annotated and confirmed as such. Nearside kern radii should be demonstrated for the express lanes.

Inscribed Circle Diameter (ICD) appears to be 58m with 8m circulatory carriageway.

***Action** - ICD and Stopping distance visibility splays would need to be demonstrated.*

Junction Y (Local Accesses)

This is labelled to cover four local access points along the proposed main strategic link bypassing the village of Bapchild to the north. Full details of these junction do not appear to be specified and will need to be provided.

Limited information is provided within drawing reference 16-023/6010D. This demonstrates three junctions to the north and one to the south of the road. For the purposes of identifying them, KCC has referenced them Y1-4 starting from the west.

Y1 – Appears to be single lane priority junction entry priority junction presumably for farm access.

***Action** - Full details of its geometry, visibility and purpose should be specified.*

Y2 - A new access on to Hempstead Lane to the North. This route is a well used route and clearly needs to remain open.

***Action** The model traffic flow diagrams do not report Hempstead Lane flows and should do so in order for assessment of the impact. Full details of its geometry, visibility should be specified.*

Already a known cut through to avoid congestion on the A2 it is considered that the additional development would exacerbate a concern of increased flows along the rural lanes. Consideration should be made to include measures to deter increased traffic along the Church Road/Lomas Road link.

As presented details of the running lane and right turn facility need to be provided.

Hempstead Lane to the south is disconnected as a through route with a turning head provided and the principle of this arrangement is accepted.

Y3 - A new priority junction labelled for future development however none is depicted within the masterplan. It is considered that this is unnecessary to facilitate the application and introduces uncertainty and interruption to the NMU provision on the south side of the new road.

***Action** – Removal of the unnecessary junction. Details of this shall be submitted.*

Y4 - A new connection to Hempstead Farm which appears additional to that already available.

***Action** – Full details of its justification, geometry, visibility and purpose should be specified.*

Vehicle Access Summary

It is understood that access is not for determination as a part of this outline application, however details of the interaction between the existing and proposed infrastructure is required, as suggested by the applicant, for the purposes of assessing the EIA. For the Local Highway Authority it is equally important that the strategic impacts and assignment of traffic is fully understood. An important component of reviewing the modelling is to understand the design parameters/geometries inputted into the model to ensure accuracy of the impacts presented. In paragraph 5.2.2 of TA volume 4, junctions g,r,s and w are listed as being a part of the proposed infrastructure. KCC would suggest that junction X also needs to be considered in that context. The layout and designs of the route are also important for the applicant to demonstrate that the promoted sustainability credentials of the application stack up. Whilst there are shared use facilities provided along the main routes a lack of consideration for crossing at junctions and multiple at-grade switching across the main roads suggests a disjointed design that is in complete contradiction to the purported sustainability. This provides sufficient evidence to rebut some of the claims regarding the ability to internalise movement and mode shares inputted into the modelling.

***Action** – Holistic approach and improvements to cycling/pedestrian facility design and crossings to be provided.*

Other points of access have also been mentioned as follows;

Junction T. A2 east - This junction, located to the west of Frognal Lane is mentioned as providing a secondary access to the A2 and alleviate some pressure from junction G. It is therefore assumed that this junction is taking flows away from junction G.

***Action** – Demonstration of how many movements have been diverted through this junction, the rationale for the flows, its modelled layout and its performance.*

Further to the above however it does not seem to take account of the consented Frognal Lane development roundabout, the proximity to it, nor is junction T depicted on the Masterplan. The Masterplan demonstrates an alternative link which would appear to the consented Frognal Lane development access road and roundabout.

***Action** - The connections for this element from the south east area of development to the A2 need explaining. On review of the model neither the through route to Lower Road or the dissection of Frognal Lane has been made. Should the application be proposing access to make use of the existing of the Frognal Roundabout then KCC will require specific modelling outputs for that layout or one with any improvements required as necessary mitigation. It is suggested that, if achievable, any secondary access should use the consented Frognal Gardens roundabout connection to the A2, with additional mitigation as required without introduction of the proposed additional Junction T. Flows for those access roads should be presented along with an assessment of their performance.*

Junction U – Lower Road

This junction acts as a key connection to Teynham and the mainline train station. The proposals state that this would be a simple priority junction redefining the priority route as being the new development road and Lower Road East. Lower Road West would then become the minor arm. Consideration will need to be demonstrated on the impact of traffic on Lower Road and necessary mitigation measures provided.

***Action** - There would rightly be a desire line created to and from the Train Station and Lower Road will need to be improved for the existing section leading to for bus, walking and cycling accessibility.*

Junction V - Frognall Lane

The assessment mentions a connection between the development and Frognal Lane but fails to specify what type of junction will be formed and needs to be explained. It also mentions that Frognal Lane connects to Lower Road and the A2 which whilst correct at this point in time, does not account for the approved Frognal Gardens development layout which removes Southbound accessibility to the A2. Introduction of a new vehicular access on to Frognal Lane would undermine the intention of the approved development to provide a North/South green route along the existing Lane and as such is objected to.

Action *- This access is recommended to be redefined as a point for Emergency access only.*

Action – *Modelling will need to be updated to reflect any amendments made to the above.*

Accessibility to non-residential development

Employment and local amenities have been located to the West of the development, close to the main access point. The proposed location is agreed as being the most suitable to facilitate sustainable access, complimenting the existing facilities at Teynham to east and Bapchild to the west.

Primary School

The Masterplan indicates the Primary school as being located to the north of the new access road serving both the development and train station. The internalisation assumption is that 100% of children would access the school by sustainable means resulting in the high volumes of more vulnerable young children needing to cross it. This is considered to be a significant deterrent to sustainable mode choice. Consideration should be made for relocation of the school to a similar location but to the south side of the main access road.

Secondary School

There is no secondary school proposed in this element of the development.

Action *- Details of proposed access to secondary schools from this application should be presented.*

Framework Pedestrian and Cycle Routes

In general, the proposals within the Framework Plan for walking and cycling routes are well considered. PRoW are retained along their existing alignments and within wider green corridors to retain their ability to serve recreational need. Additional walking routes around the periphery of the development will add to the route choice available to the growing population such that the existing resource is not overwhelmed. The public bridleway appears to be located across a green bridge removing it from any interruption through at grade crossing. This would be a valuable amenity subject to the submission of agreeable design detail.

North south routes are well served as are east west routes that appear well considered to be aligned to create direct links between the development and local amenities schools and the train station.

Due to the existing constrained section of Lower Road between the proposed site and Teynham station further off-site improvements to Lower Road would be required to promote NMU access.

***Action** – Off-site improvements for walking and cycling along Lower Road to the train station to be demonstrated.*

KCC would consider that further improvements remain necessary in the area connecting to the west and south of the development. No facilities are shown across the A2 to connect to the proposed "southern" development which would be an absolute necessity to meet the claimed sustainable choice. A connection would also appear to be entirely feasible between the area around the Cricket Ground and the northern extend of Public Footpath ZR192 at Church Road.

***Action –** Review of the proposed connectivity to the West and South, currently deemed insufficient by the Local Highway Authority, is requested.*

Segregated cycling routes are proposed along the primary roads and these would be required to comply with the DfT LTN 1/20.

Improvements to cycle parking convenience are welcomed with easier accessibility integrated into proposed dwellings. These would need to be both secured and sheltered.

An electric bike hire scheme within the development is proposed and welcomed. This would be served form the transport hub with supporting infrastructure provided throughout the development. It is proposed that the developments electric bike scheme could be expanded to cover wider areas of the Borough.

Parking

The applicant proposes to adopt the Swale Borough Council standards and as such is agreed.

TA document 7: Traffic Impact Assessment

This section of the response is repeated for both applications 21/503906 and 21/503914. The applicant has, rather unusually, sought submitted two separate applications however only assessed the impacts as a cumulative of the two. It is therefore technically impossible for the applications to be assessed independently on highway grounds. The response is therefore on the cumulative impact only.

Should the determining authority choose to approve these applications, KCC's position would have to be that one application could not be approved without the other, due to insufficient analysis of the individual applications being provided.

In preparation of the Swale Local Plan Review, it was determined at an earlier stage in Pre-application discussions that Borough Council, County Council and applicant would commission the build a Strategic Highway Model to be jointly paid for. This provides economic efficiencies for all parties whilst also ensuring that any forthcoming development applications can use the same modal structure and distribution. The base highway model is therefore the same for both this application and the Local Plan and has been validated appropriately and approved by the County Council, Borough Council and National Highways. Reference Case modelling was also completed as a joint approach but has subsequently been independently updated to meet the requirements of the Local Plan test and build brief of National Highways.

<u>Highway Infrastructure assumptions</u>

There have been some revisions to the Local Plan reference case model in terms of highway assumptions that would also be required for the modelling tests for this application.

The additional junction improvements that have occurred since the Borough Council's earlier 2019 reference case model run are as follows;

A2/Love Lane signalisation
A249/Bobbing junction signalisation
Lower Road/Cowstead Corner capacity improvements
B2006/Sonora Way roundabout capacity improvements
Borden Lane/Homewood Avenue mini roundabout
Quinton Road mini roundabouts
Halfway Road Traffic lights
M2/J5
SW Sittingbourne link road between Chestnut St and Boden Lane
NW Sittingbourne Access roundabout and internal link road between Quinton Road and Grovehurst Road
Crown Quay Lane Access to Eurolink Way
Iwade Expansion roundabout to Grovehurst Road
Preston Field link road
Perry Court link between Brogdale and the A251.

***Action** – Reference case modelling needs to be updated in order to properly assess the developments impact. The Local Highway Authority will be able to provide the applicant with the updated reference case model.*

Model Updates

The changes at Park Road and Swale Way are noted.

***Action** - KCC requests the detail of this is shared with KCC in order for the Swale model to be appropriately amended.*

Trip Rates

KCC's response to trip rates is contained within our appended consultant's report.

Highway Infrastructure Assumptions

Paragraph 3.4.8 and 3.4.9 mentions the highway connections added, including the following

- *M2 J5A*
- *Completion of the SNRR Bapchild link*
- *A SSRR connecting between the A2 and M2*

Links from the development and new road to the following have also been added;

- *Ruins Barn Road*
- *Broadoak Road*
- *Highsted Road*
- *Church Road*
- *A2*

It is noted that Lower Road is not mentioned despite application 21/503906 creating a link to it. Neither are the flows shown in Appendix C for Frognal lane, Station Road or whatever connection is to be made back to the A2 through the eastern side of that application.

***Action** – The impact on the traffic flows for the abovementioned streets should be made demonstrated as it would be likely that the new links created to connect them to a strategic network would have an impact.*

A review of the SATURN layout has identified that the proposed link to Lower Road is not included.

Ruins Barn Road and access to the south of the A2. Paragraph 3.4.11 identifies that Ruins Barn Road modelling capacity was limited to avoid unrealistic routing of traffic on rural roads. The assumption from this therefore is that the application is generating a demand for use of rural roads through the AONB and along an existing popular rural route using Ruins Barn Road through Swanton Street and Hollingbourne to get to the M20 or Maidstone.

Further to the above, the diagrammatic traffic flow charts at Appendix C do not demonstrate what traffic is flowing south of the M2 on Ruins Barn Road, but show a significant increase above the reference case provided.

***Action -** Further evidence is required as to the traffic impact upon the AONB and in particular towards the route mentioned above.*

Trip Distribution

The trip distribution beyond the development zones uses the same zonal pattern as the Swale Base and Reference cases and as such is agreeable.

Land use assumptions

The demand modelling for application 21/503906 is advised to be using the following KSP development Summary V27 8000. The numbers presented neither match this application for 1250 dwellings or a cumulative test of 9250 dwellings stated at the outset of Section 7 of the TA. ***The modelling evidence is therefore not matching that of the application.***

Table 4.1: Land Uses

Land Use Category	Land Use Sub-category	Units
Residential	Private	6400 dwel.
	Affordable	1600 dwel.
Commercial	Light Industrial (Ind. Estate)	66400 sqm
	Research units	66400 sqm
	Warehouse	199200 sqm
Leisure	Leisure Centre + Sports	3950 sqm
Education	Primary	9 FE
	Secondary	8 FE
Local Centre	Nursery	790 sqm
	Medical Centre	2250 sqm
	Pharmacy	450 sqm
	Retail	5200 sqm
	Foodstore	3620 sqm
	Professional/ Financial	800 sqm
	Community Centre	3000 sqm
	Pub/ Restaurant	2400 sqm

When checking the application 21/503914, this shows the same referenced KSP development Summary V27 8000, however the land uses table is different and does show cumulative Land Use assessment figures. This raises significant concerns as to what is included in the modelling completed.

***Action** - The TAs need to be appropriately amended and to provide the correct Land Use assumptions demonstrating the impacts of both applications independently and as a cumulative test. Modelling will need to be re-run to demonstrate the applications on their own merits and as a cumulative of the two. It is recommended that section 7 for each application is updated to show the impacts of the above mentioned scenarios.*

Net Traffic Impacts

As has been mentioned earlier, the Local Highway Authority is not accepting that the reference case and with development tests provided are appropriate. Notwithstanding this and KCC's comments on the necessary modelling amendments, the information provided demonstrates the cumulative application as an indicative option against Local Plan required growth required in the Borough. Indicatively this shows a reduction of traffic through

Sittingbourne Town Centre, the A249 and the A2. Increases are however then shown on Bell Road/Gore Court Road/Woodstock Road, routes to the south to Hollingbourne, Swale Way and the M2.

Junction Assessments

The applicant includes assessments for 36 junctions, however as the modelling is in need of updating these will be inaccurate. As a consequence, no detailed review has been completed by the Local Highway Authority or its consultants until such a time as the applicant has re-assessed them.

***Action** - The applicant should append scale drawings of the existing junctions modelled. Base model calibration and validation should be carried out for all modelled junctions plus those identified earlier in this response. Subsequently, forecast models should be revised and junctions identified for mitigation should be updated based on capacity assessment results.*

21/503906

The TA provides no information on the performance of the proposed development accesses for application 21/503906 other than Junction G.

Without an ongoing connection to Lower Road this junction assessment will be incorrect.

***Action** – The applicant to update SATURN with the correct links and provide details of how development traffic has been apportioned to each of the access points for the proposed new development area.*

The Bapchild A2 access at Junction G also appears to operate over capacity in the AM peak, this therefore bares doubt into the output of Junction R as traffic is likely to re-assign to that. Junction R already suffers on its A2 western arm with a 17 PCU queue in the AM and a 25 PCU Queue in the PM although this may be able to be balanced out through signal timings.

TA document 8: (Mitigation Proposals)

As for the section above our comments for this section are in respect of a cumulative test only and only for the mitigation presented by the applicant at this point in time.

Junction 21 – Swale Way/Barge Way

The junction is currently a three arm roundabout serving industrial employment to the North including the large waste to energy facility.

The mitigation proposed increases the two lane entry length on the Southern and Western arms of the roundabout. The circulatory width will need to be demonstrated on the drawing along with updated modelling evidence. Modelling for the mitigation proposed halves the difference between the AM queue to 7.4 PCU. The RFCs remain over 0.85 in the AM and PM and the gain appears disproportionate to the mitigation, as such further work may be required to ensure it operates within effective capacity.

***Action** – Disproportionate modelling results to be explained.*

Junction 22 – Swale Way/Ridham Avenue

The junction is currently a three arm roundabout serving industrial employment to the East. Increases in development traffic results in the junction becoming over capacity on the Swale Way arms.

The mitigation proposed increases the two lane entry length on the Southern and Northern arms of the roundabout. The circulatory width will need to be demonstrated on the drawing along with updated modelling evidence. Subject to the above the principle of the mitigation proposed is generally agreed as acceptable.

Junction 24 – Swale Way/Bingham Road

The junction is currently a three arm roundabout serving industrial employment to the South. As above the increases in development traffic results in the junction becoming over capacity on the Swale Way arms.

The mitigation proposed increases the two lane entry length on the Southern and Northern arms of the roundabout. The circulatory width will need to be demonstrated on the drawing along with updated modelling evidence. Modelling for the mitigation proposed reduces the AM queue by 11 PCU's. The RFC's remain over 0.85 in the AM and PM and the gain appears disproportionate to the mitigation, as such further work may be required to ensure it operates within effective capacity.

***Action** – Disproportionate modelling results to be explained.*

Junction 32 – Woodstock Rd/Cromer Rd/Ruins Barn Rd/Tunstall Rd

The existing arrangement is a staggered cross roads giving priority to the Woodstock/Ruins Barn Road arms.

The proposal is for the junction to be signalised however there remains queues of 80 PCU's on Woodstock Road in the AM and 48 on Ruins Barn Road in the PM. Three of the 4 arms are operating above 100% DOS. It is noted that the reference case also operates with severe congestion and any development strategy is therefore likely to require some kind of congestion control at this junction. The proposal remains with severe highway impacts and is not accepted by the Local Highway Authority.

***Action** - Further work is clearly required that would control movements from the application site and this would need to be discussed with the Local Highway Authority with through traffic from either Cromer Road or Ruins Barn Road likely to need some restriction to vehicular movement.*

Junction 58 – Woodstock Rd/Bell Rd/Gore Ct Rd/Park Ave

The existing arrangement is a four arm mini roundabout. The proposal retains the roundabout geometry but proposes two lane entry on approaches. Both the exit lanes and circulatory would remain single lanes. The design is sub-standard and not accepted by the Highway Authority.

Although not demonstrated it is anticipated that further mitigation would be required for this application on its own merits. Subject to appropriate modelling evidence the Highway Authority anticipates that there may be a necessity for mitigation for ongoing access to the East of the application's residential development on Lower Road, Station Road and for accessing to the A2 East of the proposed roundabout. Further to that is the earlier mentioned consideration for measures to include bus priority, direct and appropriate facilities for cycling and walking along and across the proposed new link roads and physical measures to improve conditions to support sustainable transport choice along Lomas Road.

Summary

As it has not been possible to review Volume 7 of the revised TA due to the corrupted document available, the previously stated summary is therefore still applicable:

It is technically impossible for the applications to be assessed independently on highway grounds due to the approach taken by the applicant. The TAs need to be appropriately amended providing the correct land use assumptions in order to demonstrate the impacts of both applications independently and as a cumulative test. Modelling must be re-run to demonstrate the applications on their own merits and as a cumulative of the two and against the updated Local Plan Reference Case. Once that is completed, a reflection of the impact of the development can be both tested on its own merits and against alternative growth strategies sufficient to deliver the borough's housing needs.

As portrayed, it would appear that there is a general benefit of traffic re-routing away from existing AQMAs, Sittingbourne Town Centre and many congestion hot spots within the borough. However there remains unacceptable impacts on the Highway as currently demonstrated. Traffic flows amounting to similar levels of the new Local Distributor 7.3m wide Southern Relief Road are found on the Woodstock Road approach to Sittingbourne Town Centre. The flow diagrams at Appendix C show a two way PM flow of 2166 on the existing constrained highway compared to a flow of 1978 at the southern end of the appropriately designed wide development distributor road. This is clearly unacceptable an undermines the value of the new link.

A summary of issues relating to this application –

1. *Inappropriate modelling and a requirement for additional information.*
2. *Insufficient facilities at proposed junctions and existing infrastructure to promote the reported benefits to modal shift.*
3. *SATURN modelling links need to include the proposed connection to Lower Road and A2.*
4. *Junction performance analysis for the development accesses to be provided.*
5. *Inappropriate single carriageway proposed for link to the north of Bapchild.*

A summary of issues relating to the cumulative impact of applications –

1. *Inappropriate modelling and a requirement for additional information.*
2. *Insufficient facilities at proposed junctions and exiting infrastructure to promote the reported benefits to modal shift.*
3. *Inappropriate volumes of traffic along the Woodstock Road approach to Sittingbourne Town Centre.*
4. *Insufficient information on impacts or mitigation for routes through the AONB towards the M20.*

On the basis of the above assessment, KCC would raise a holding objection until such a time as further evidence is provided.

2. Public Rights of Way

The County Council, in respect of Public Rights of Way (PRoW) is keen to ensure that its interests are represented with respect to KCC's statutory duty to protect and improve 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.

The following Public Footpaths are located within the site and would be directly affected by the proposed development.

- ZU16,
- ZR189
- ZR191,
- ZR192
- ZR193,
- ZR257
- ZR256

Restricted Byway ZR195 is also located within the site and would be directly affected by the proposed development.

The locations of these paths are indicated on the attached extract from the Definitive Map (Appendix A). The existence of the Rights of Way are a material consideration.

In respect of Public Rights of Way, the County Council as Local Highway Authority raises a holding objection on the above application for the following reasons:

- Despite reference to conversations with stakeholders, the County Council, in respect of Public Rights of Way has received no contact from the applicant.
- Incorrect alignments of PRoW routes on plans.
- PRoW strategy only to be determined at Tier 2, and all matters of access not considered at outline stage. For a development of this scale, this is considered to be too late to allow timely discussions and contributions and therefore avoid potential conflict and oversights.
- Insufficient detail provided to fully assess the management and incorporation of the PRoW network both during construction and in operation, particularly given the significant impact on the area over the timescales quoted. The proposed development would both sever and fragment the existing network over a considerable area and considerable period. Our response reflects the cumulative effect on the Borough from this Application and Application 21/503906.
- Various significant Transport Assessments not on the Swale Planning Portal, Vols.4,6,8, including re mitigation. Mitigation cannot therefore be addressed; it is expected that many elements relating to the mitigation of adverse impacts on PRoW and their improvement in support of active travel, amenity and leisure benefits will be subject to TCPA 1990 section 106 agreements and/or conditions.

The County Council retains the commentary raised in its previous response dated 30 November 2021 and would draw attention to the following matters raised within this original response, of which there is **no** mention within the documents provided:

*The County Council requires that a **PRoW Management scheme** is provided to include **each** Public Right of Way affected, to cover pre-construction, construction and completion over the prolonged phasing schedule. A separate scheme should be provided and agreed as **each** Phase comes forward for approval in the described Tier process. All details to be approved by KCC PRoW and Access Service prior to commencement of any works if permission is granted.*

Landscape and Open Space Strategy Addendum

Section 1.3, Landscape Changes Teynham West – References to PRoW are required for clarity and context and there is a need to differentiate between Public Footpath and Restricted Byway. The PRoW routes appear to run through residential areas and alongside roads which is unacceptable. The significant Landscape and Visual impact which together with impact on air quality and on noise, will have serious effect on the amenity of multiple PRoW routes.

Section 1.4, Changes to the Linkages Framework – the reference to a PRoW strategy being determined at Tier 2 stage is not acceptable to the County Council. The Linkages Framework Plan is not clear, there are no PRoW references, and routes appear to run through residential areas and alongside roads which is unacceptable. The proposed diversions are also unclear – the County Council is therefore unable to comment on these.

Parameter Plan Development North – The legend is unclear. The County Council also notes that the reference to “footway, cycle path. Bridleway connection” raises a question whether these are proposed or existing PRoW. The County Council also requests that PRoW are included on this plan.

Framework Parameter Plan, Pedestrian & Cycle – The County Council requests that PRoW routes need specific references for clarity and context. The quality of the plan is poor and difficult to read. Again, the quality of the plan makes it unclear; PROW routes appear to run through residential areas and alongside roads which is unacceptable and will be affected by the relief road. Overall, the impact on PRoW in respect of lack of amenity – noise, air quality, landscape and visual is not acceptable.

Framework Plan Access and Strategic vehicular routes – The County Council requests that this is geo-referenced with the PRoW routes for context and ensure holistic approach is truly taken. The PRoW routes and vehicular access have to link to provide overall transport strategy.

Environmental Statement Transport Vol. 3 Site Context

The County Council notes that not all volumes have been updated as part of this revised application material.

Volume 3, Site Context – Section 3.2 Walking and Section 2.3 Cycling – The County Council requests further information and evidence to support these sections. At present, these sections contain no consideration of Non-Motorised-Users and there are potential conflicts on rural lanes which are not, as considered within the application documents, “lightly trafficked”. The County Council notes that the cycling proposals do not mention the opportunities given by improving Bridleways for Active Travel as well as leisure routes. This will need to be provided before the application is determined.

In respect of Teynham Station access, as per the previous County Council response, the access is currently congested. The access has a PRoW running over the at grade level crossing, has very limited parking, narrow and congested highway access, and limited space for bus drop off, all of which require discussion with the rail operators. The County Council would expect the applicant to go further than evaluating “opportunities to enhance cycle parking”.

In respect of the Sustainable Transport Strategy – these contain very admirable objectives but there is very little detail around the deliverability. It is disappointing that the green grid is not a priority for walking and cycling – which are only described as being generally segregated. For an application with the objective of proposing a high-quality, forward-looking development, off road walking and cycling provision should be a basic priority.

In respect of Section 6.4, Leisure Walking Pedestrian – PRoW should all be within green, open corridors and not affected by estate or access roads. It is disappointing that the applicant has not recognised the importance of PRoW routes as Active Travel opportunities.

Section 6.5, Walking Beyond the Development – Given the scale of the development, it is disappointing that the opportunity to create quality off road walking and cycling routes connecting to the wider area in all directions and the amenities offered has not been further explored – this should be considered further. To propose utilising existing footways along the A2 is not acceptable.

Section 7.1, The Role of Cycling - The County Council is disappointed to see no reference of PRoW routes with cycle rights and again the opportunities presented (Bridleways, Restricted Byways). These routes can form strategic links both on and off site. There is also no consideration of on-site upgrades to create new links on existing routes.

The County Council would advise that a financial contribution, in the form of Section 106 Agreement funding should be allocated to mitigate the loss of amenity, increased use and subsequent improvements that will be required in the wider network as the area is developed. The County Council is unable to provide figures for such funding with the information currently provided in this application. However, significant measures will need to be taken to help mitigate the impact and to future proof sustainable Active Travel across the wider area of the Borough. The increase in investment and policy from both central and local government towards a modal shift away from short car journeys should focus this project to provide a sustainable development for the future.

Active Travel access is essential from the outset of any work commencing to enable both new and existing users to access amenities both within and off site (schools and community

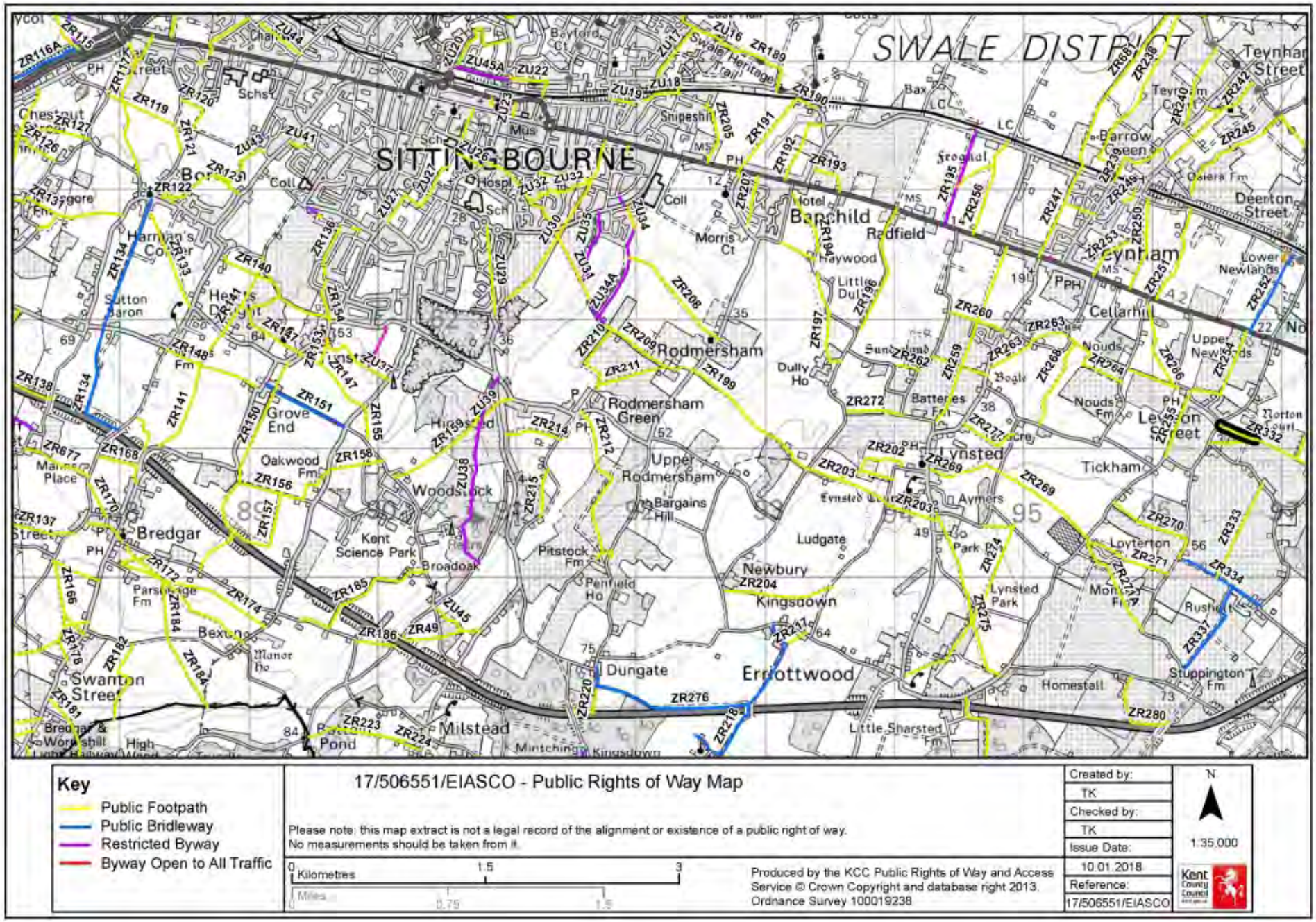
facilities). There can be no disruption or potential danger to public use of the network; any delay to the upgrading and/or construction of Rights of Way, cycle routes and other related works to the PRoW networks, would only increase the already significant impact on new and existing residents. All of these require commitment to Active Travel, connectivity of developments, sustainable transport, and the protection of and enhancement of the local area rural character.

The following points from the County Council's previous correspondence at Scoping stage are also reiterated below and should be picked up as part of this application:

- *The likely usage and visual impact on users participating in recreational activity on the above-mentioned footpaths and restricted byways.*
- *The likely loss of recreational walks within open countryside.*
- *The viability of upgrading existing PRoW, as a means of providing Active Travel 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 countryside, providing opportunities for outdoor recreation.*
- *The provision of safe crossings points over the A2 for non-motorised PRoW users, to address safety concerns and improve network connectivity.*

In consideration of Kent Design standards and Police guidance, any forthcoming 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. KCC would ask that this information be provided before the application is determined.

Appendix A – Extract of the Network Map


SWALE DISTRICT
SITTINGBOURNE
Rodmersham
Rodmersham Green
Upper Rodmersham
Bredgar
Milstead
Dungate
Ernottwood
Lynsted
Tickham
Teynham
Teynham Street
Deeton Street
Grove End
Oakwood Fm
Woodstock
Kent Science Park
Broadoak
Pitstock Fm
Newbury
Kingsdown
Ludgate
Bargains Hill
Aymers
Loyterton
Lynsted Park
Homestall
Stuppington Fm
Little Sharsted Fm
Swanton Street
Bexon
Manor Ho
Parsonage Fm
Pond
Mintching
Penfield Ho
Dully Ho
Batteries Fm
Nouds Fm
Upper Newlands
Lower Newlands
Norton Court
Barrow Green
Radfield
Haywood
Little Dully
Morris Ct
Snipeshill
Frognal
Oaiera Fm
Cellarhill
Sutton Baron
Harman's Corner
Chestnut Street
Bayford
Swale Heritage Trail
Key
Public Footpath
Public Bridleway
Restricted Byway
Byway Open to All Traffic
17/506551/EIASCO - Public Rights of Way Map
Please note: this map extract is not a legal record of the alignment or existence of a public right of way.
No measurements should be taken from it.
0 1.5 3
Kilometres
0 0.75 1.5
Miles
Produced by the KCC Public Rights of Way and Access Service © Crown Copyright and database right 2013.
Ordnance Survey 100019238
Created by: TK
Checked by: TK
Issue Date: 10.01.2018
Reference: 17/506551/EIASCO
N
1:35,000
Kent County Council

3. Provision and Delivery of County Council Community Infrastructure and Services

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).

KCC notes that this application has been submitted concurrently with Highsted Park South application SW/21/503914, and indeed provisions have been proposed for the joint sites, particularly Secondary education. However, the applications are separate and will be reviewed independently. KCC would therefore wish to draw the Local Planning Authority's attention to particularly the Secondary and Special Education Need requirements, and how these matters should be dealt with if the applications proceed independently.

Request Summary

	Per 'Applicable' House (1035) *	Per 'Applicable' flat (68) *	Total	Project
Nursery	26 place Nursery at the new 2 Form Entry Primary School – Provided as part of the 2FE Primary School			
Primary Education	£6,800.00	£1,700.00	£7,153,600.00*	New on-site 2FE Primary School
Primary Land	1 No. 2FE Primary School site of 2.5ha at 'nil' cost to the County Council (transferred as per KCC's General Site Transfer Requirements)			
Special Education	£559.83	£139.96	£588,941.33*	Contribution towards a new special needs school serving this development and SRP provided within the Mainstream Education Schools on-site and within the Borough

Secondary Education	£5,176.00	£1,294.00	£5,445,152.00*	Towards new Secondary School to serve this development
Secondary Land**	New Secondary School site to be provided independently by this application if the Highsted Park (North) proposal proceeds without the Highsted Park (South) application, at no cost to the County Council, or if provided on the South site where Highsted Park (North & South) proceed together, the North Site to contribute proportionately as below:			
	£2635.73	£658.93	£2,772,791.47*	Towards land acquisition costs of a new Secondary School

Please Note:

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered/extra care accommodation. The applicant has advised in correspondence that all proposed 1-bed flats are below this size and therefore not applicable. Should this change, KCC will reassess the requirement for education places.

* The County Council has used the housing mix referenced in the October 2022 Planning Statement Addendum Para 3.4 Table 3.1). The applicant has advised in correspondence that 10% of 2 bed flats/houses will be restricted to occupancy for over 70s. KCC has applied this mix and removed the age restricted dwellings as non-applicable for education assessment, subject to a legal Agreement restricting occupancy age in the age restricted dwellings in perpetuity.

Should either the mix or age restricted unit numbers change, the County Council reserves the right to reassess the requirement for education places.

** Secondary land & SEN – Irrespective of whether the Highsted Park North and South sites proceed jointly or independently, KCC Education has confirmed that there is a significant deficit in places locally, even allowing for a new Secondary school in Northwest Sittingbourne. *Consequently, new standalone Secondary and SEN provision will be required for this Highsted South application if it proceeds independently from Highsted Park North.* Alternatively, the combined Highsted Park North & South sites will require a new on-site Secondary School and contributions towards SEN School land and build costs. As Highsted Park is a split site and if the Secondary is located on the South site, a *Development Equalisation Agreement* will be required between the North and South sites (if they are in separate ownerships) with this North site contributing proportionately towards the Secondary School site on the South site.

	Per Dwelling (x1250)	**Total**	**On Site Community Buildings**	**Project**
Community Learning	£16.42	£20,525.00	**Free use** of on-site Community facilities for classes, plus provision of secure storage for	Towards additional resources (including portable teaching and mobile IT equipment), and

			equipment	additional sessions and venues for the delivery of additional Adult Education courses locally.
Youth Service	£65.50	£81,875.00	**Free use** of on-site Community facilities for youth sessions, plus provision of secure storage for equipment	Towards additional resources and equipment to enable outreach services delivery in the vicinity, and upgrade of existing youth facilities, including the New House Sports and Youth Centre in Sittingbourne to accommodate the additional attendees
Library Bookstock	£55.45	£69,312.50	**Free use** of on-site Community facilities for library purposes, plus provision of secure storage for equipment	Towards additional resources, services and stock, the local mobile Library service and works to Sittingbourne Library to increase capacity to meet the needs of the development.
Adult Social Care	£146.88	£183,600.00	**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, adapting Community facilities, sensory facilities, and Changing Places within the Borough
	All Homes built as **Wheelchair Accessible & Adaptable Dwellings** in accordance with Building Regs Part M 4 (2)			
Community Buildings specification:	*Design that is Dementia friendly with dementia friendly decoration and signage. *A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc. *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) * Provision of secure storage for KCC Social Care, Community Learning, Libraries and Youth Service.			
Waste	£183.67	£229,587.50	Towards a new Household Waste Recycling Centre on the Highsted Park South site and increases in capacity at the Waste Transfer Station in Sittingbourne.	
Waste Site	A new Household Waste Recycling Centre site of 1.5ha is required at no cost to the County Council - transferred as per KCC's General Transfer Terms, should either the North proceed independently, or the combined Highsted Park North and South proceed. If the new HWRC is ultimately located on the South site and the North site is in separate ownership, any land cost should be dealt with by the applicants through a *Development*			

	Land Equalisation Agreement with this North site contributing its proportionate share.
Highways	*Kent Highway Services will respond separately*

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 accompanying appendices.

Primary Education

The indicative housing mix provided by the applicant has been used to calculate the Primary Education need created by the development. Based on this mix –which must be subject to regular review of all Reserved Matters final mix– the proposed North development is estimated to generate up to **295** primary pupils, equivalent to 1.4 Forms of Entry (FE). KCC commissions new primary schools as either two or three forms of entry, and therefore 1No. 2 Form Entry Primary school will be required to support the (North) development. The site proposed for a 2FE primary school is 2.5Ha of land, this should be transferred in accordance with KCC General Site Transfer terms (attached). The location of the site is to be agreed with KCC as the Statutory Education Authority.

The County Council requires a financial contribution towards construction of the new school at **£6800.00 per 'applicable' house** and **£1700.00 per 'applicable' flat** ('applicable' means: all dwellings, except: 1 bed of less than 56sqm GIA and any sheltered/extra care accommodation).

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 2021-25 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

Applicants Proposal – Primary School Site/Indicative Locations/Phasing

The application is showing 1 primary school site of 2.5ha in Highsted North land Use Structure and Planning statement. KCC would welcome more information upon housing delivery timescales along with proposed Phasing for delivery and access to the proposed School site. Anticipated completion of School build, with full contributions for the Primary school delivery/opening to meet demand arising from Highsted North, is upon 350 occupations. The delivery trigger must be subject to appropriate monitoring and review mechanisms within the S106 Agreement to reflect build-out rates and pupil demand, to ensure sufficient capacity and delivery to meet demand.

Highsted North Primary School

The Masterplan: North (Drawing Number 2952-100) shows the primary school location to the north of the spine road.

Greater detail of the proposed Primary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments KCC will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before KCC would be able to confirm it is agreeable.

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 existing neighbourhoods in the locality.

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.

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 (ECHP) which sets out the provision they are entitled to. As of January 2019, 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 particular, 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.

Current data indicates that the proposal will give rise to additional pupils with Education and Health Care Plans (EHCP's), requiring extra support through specialist SEN provision. This new demand will need to be met through a new SEN School and SRPs in the new mainstream schools. This new SEN school will also serve the needs of the proposed Bobbing West Development.

Whilst the request for SEND contributions is emerging policy for KCC (with adoption expected mid-2023), the anticipated timeframe for the potential approval of this planning application is expected to be post adoption of KCC's new Developer Contributions Guide. The County Council, therefore, concludes that is it reasonable to include a request for SEND provision contributions at £559.83 per 'applicable' house and £139.96 per 'applicable' flat towards construction of a new SEN School building and provision of SRP facilities in the new mainstream schools and provision at schools in the Borough.

Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in **Appendix B**. The indicative housing mix (endnote (i)) provided by the applicant has been used to calculate the Secondary Education need created by the development.

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.

Secondary Education provision in the Borough is already at a critical point, with a significant deficit in places, as extant permissions are built out, and KCC awaits the build of the new school in north-west Sittingbourne to meet the current Local Plan. Consequently, this application will place additional pressures on education provision and a new Secondary school is required. Should this application not provide this infrastructure, the County Council will be unable to meet the needs of the new population for secondary education places and the application will be unsustainable on educational grounds.

The development is projected to produce up to 210 secondary pupils (based upon the development project mix (end note (i)), and subject to clarification upon the number of Sheltered/extra care accommodation), equating to 1.5 Forms of Entry. To accommodate this additional demand, a new Secondary School will need to be supplied independently (if Highsted Park North proceeds separately) or integrated within the overall Highsted Park (North & South) development in the form of a new 8FE secondary school on a site of 10ha in accordance with KCC General Site Transfer terms (attached).

The County Council requires a financial contribution towards construction of the new Secondary school at £5176.00 per 'applicable' house and £1294.00 per 'applicable' flat ('applicable' means: all dwellings, except: 1 bed of less than 56sqm GIA and any sheltered/extra care accommodation).

Secondary School Site

The County Council also requires transfer of a **new secondary school site of 10ha within the Highsted Park (South) development** on a suitable site (location to be agreed by the LEA) in accordance with the attached KCC General Site Transfer Terms. Should this application proceed in isolation of Highsted Park (South), the County Council will be unable to meet the needs of the new population for secondary education places. KCC will therefore, require this application to **provide a secondary school site at nil cost** to the Local Education Authority with the first phase open by 600 occupations.

Greater detail of any proposed Secondary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. It is expected that the majority of pupils and their carers will reside in the proposed development. KCC will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before KCC would be able to confirm its suitability.

The secondary school site will need to be served by vehicular, public transport and pedestrian/cycle routes prior to its opening, connecting not only the new community to this school, but also the existing developments in the locality and further afield in the Borough.

KCC notes that a site size of 9ha has been offered and not the 10ha requested. KCC would be prepared to negotiate this point such that an additional adjoining 1ha be safeguarded for Education purposes immediately adjacent to any proposed secondary school 9ha site offered and that it is provided at nil cost to the County Council, should the Pupil Product Rate from the development be as, or above that currently calculated.

If Highsted Park (North and South) proceeds concurrently then proportionate contributions towards the Secondary School land at Highsted Park South of **£2648.91 per 'applicable' house** and **£662.23 per 'applicable' flat** will be required through a Development Equalisation Agreement.

The site acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

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

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 C**, 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 an agreed level of free use of on-site Community facilities for classes, as well as provision of secure storage for equipment.

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 delivery in the vicinity, and upgrade of existing youth facilities, including the New House Sports and Youth Centre in Sittingbourne to accommodate the additional attendees, along with an agreed level of free use of on-site Community Facilities for meetings & sessions locally, as well as secure storage within the new facilities for equipment.

Libraries

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

Borrower numbers are in excess of capacity, and bookstock in Sittingbourne at 654 items 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 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 resources, services, and stock will be made available

locally through free use of on-site community facilities for Library purposes (including secure storage within these facilities for equipment), towards the local mobile Library service, and towards works at Sittingbourne Library, as and when the monies are received.

Adult Social Care

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

KCC is the Statutory Authority for Adult Social Care. The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services. However, all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. 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 Social Care requires:

- a proportionate monetary contribution of £146.88 per household (as set out in Appendix D) towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places locally in the Borough.

- Free use of new Community Facilities on-site for meetings, group and therapy sessions

- Community Buildings to contain:

    - 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).
    - 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.

- The Department for Levelling Up, Housing & Communities (LUHC) 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. Accessible and adaptable housing provides safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. Kent Social Care request these dwellings are built to Building Reg Part M4(2) standard to ensure they remain accessible throughout the lifetime of the occupants to meet 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 ahead of determination of this application.

Advisory on Supported Living Accommodation

The demand for support 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 ahead of determination of this application.

Waste

Recycling and Waste Management Strategy

Section 2.4 Regional and Local Waste Policy does not include reference to the following KCC documents which are relevant to the assessment.

- The Kent Waste Disposal Strategy; a key document in setting out KCC's current position, identifying the future pressures and outlining how KCC will maintain a sustainable waste management service.
- The Kent Design Guide should also be referenced, in particular the section on waste minimisation and recycling.

Section 4 Management of Operational Waste

This section describes in detail the anticipated waste volumes that will be generated by the development and how it will be designed to provide the required bin infrastructure. It does not go into detail regarding what happens to that waste once it is collected and the impact upon KCC's Waste Disposal Service. The only reference to what happens after it is collected comes in Section 5, Summary and Conclusion.

"*5.1.11 Residential waste generated by the development will be collected by Swale Borough Council and is designed to be recovered or disposed of in accordance with the Kent Resource Partnership's Joint Municipal Waste Management Strategy."*

Currently all kerbside collected waste in Swale is taken to a single KCC owned Waste Transfer Station (WTS) in Sittingbourne, where it is bulked up before being sent on for final disposal. The addition of some 421 tonnes per week as stated in para 4.2.4 will place significant demand on the WTS facility, **which is already at capacity.**

Environmental Statement: Vol 3 Non-Technical Summary

Unlike the Recycling and Waste Management Strategy, the ES does consider the impact on KCC's Waste Disposal Service. KCC suggests this is added to the Strategy document for completeness.

KCC is pleased to see the demand on the WTS recognised and fully supports the proposed mitigation. KCC would like to see the wording in section 14.17 strengthened to provide a firmer commitment to the provision of developer contributions towards the new HWRC and WTS redevelopment. Suggested text below for consideration:

~~"It is likely that~~ Developer contributions are necessary and will be used to support the construction of a new Household Waste Recycling Centre (HWRC) on 1 Hectare of land on the Highsted Park development to the south of Sittingbourne Town Centre and contribute towards the redevelopment of ~~. This would allow~~ the existing waste transfer station at Sittingbourne. This will allow it to expand onto land already occupied by a HWRC and therefore increase the sites operational capacity."

To accommodate the increased waste throughput and mitigate the impact arising from this development, a contribution of £183.67 per household is required towards a new Household Waste Recycling Centre within Highsted Park and increases in capacity at the existing Waste Transfer Station in Sittingbourne.

A new Household Waste Recycling Centre site of 1.5ha is also required at no cost to the County Council. This may be within Highsted Park South, if Highsted Park South proceeds concurrently with this application, otherwise the new Household Waste Recycling Centre site will be required independently.

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. KCC 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 us 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.

Appendix B - School Land costs

Education

Site Name	Ld west of Teynham, Highsted Park North, Sittingbourne
Reference No.	SW/21/503906
District	Swale

	Houses	Flats	Total
Unit Numbers	**1035**	**68**	**1103**

Primary Education

	Per house	Per flat
Primary pupil generation rate	*0.28*	*0.07*

New Primary Pupils generated from this development **295**

New Primary School build contribution

	per Pupil	per House	per Flat
New Build Rate	*£24,286*	*£6,800*	*£1,700*

Contribution requested towards New Primary School Build **£7,153,600.00**

Secondary Education

	Per house	Per flat
Secondary pupil generation rate	*0.20*	*0.05*

New Secondary Pupils generated from this development **210**

New Secondary School build contribution

	per Pupil	per House	per Flat
New Build Rate	*£25,880*	*£5,176*	*£1,294*

Contribution requested towards New Secondary School Build **£5,445,152.00**

New Secondary School site contribution

Residential Land Price per acre for Swale *£600,000*

	Pupils	Hectares	Acres
6FE Secondary School	*900*	*8.00*	*19.768*
	per Pupil	**per House**	**per Flat**
Land Rate	*£13,178.67*	*£2,635.73*	*£658.93*

Total = Secondary School Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New Secondary School) = 19.768 x 600000 x (210.4 / 900)

Contribution requested towards New Secondary School Site **£2,772,791.47**

Total Secondary Education Build and Land contribution **£8,217,943.47**

Education

Site Name	Ld west of Teynham, Highsted Park North, Sittingbourne
Reference No.	SW/21/503906
District	Swale

	Houses	Flats	Total
Unit Numbers	**1035**	**68**	**1103**

Special Education Needs

	Per house	Per flat
SEN pupil generation rate	*0.016*	*0.004*
New SEN Pupils generated from this development		**17**

New Special Educational Needs contribution

	per Pupil	per House	per Flat
Blended Rate	*£50,893*	*£560*	*£140*
Contribution requested towards New SEN School Build			**£588,941.33**

Notes
Costs above will vary dependant upon land price at the date of transfer of the school site to KCC
Totals above will vary if development mix changes and land prices change

Appendix C - Communities' assessment

Development Contributions Assessment

Site Name	Land west of Teynham (Highsted Park North) Sittingbou
Reference No.	SW/21/503906
District	Swale
Assessment Date	08/09/2021
Development Size	1,250

COMMUNITY LEARNING & SKILLS	
	Services
Current Service Capacity	2,108
LESS Current adult participation in Swale district	2,214
Initial capacity shortfall/surplus (Year ending 2019)	-105
New adult participation from this development	44.86 clients
Will service capacity be exceeded?	YES
Contributions requested from this development	£16.42 per dwelling
1250 dwellings from this proposal	£20,525.00

[redacted]

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	1,811	975
LESS Current youth participation in Swale district	1,901	1,024
Initial capacity shortfall/surplus (Year ending 2019)	-91	-49
New youth participation from this development		62.5 clients
Will service capacity be exceeded?		YES
Contributions requested from this development		£65.50 per dwelling
1250 dwellings from this proposal		£81,875.00

[redacted]

House Sports and Youth Centre in Sittingbourne to accommodate the additional attendees

LIBRARIES	
Libraries assessed for this development	Library Stock and Services
Current Service Capacity	17,288
LESS Current library participation in Swale district	18,152
Initial capacity shortfall/surplus (Year ending 2019)	-864
New borrowers from this development	364.5 borrowers
Will service capacity be exceeded?	YES
Contributions requested from this development	£55.45 per dwelling
1250 dwellings from this proposal	£69,312.50

[redacted]

works to Sittingbourne Library.

Net contributions requested for KCC Communities' Services	£171,712.50

Appendix D - Social Care requirement

SOCIAL CARE ASSESSMENT REPORT

KCC Social Care, Health and Wellbeing

Development Contributions Assessment over the planning period 1/1/2019 to 31/12/2039

Site Name	Land to the West of Teynham (Highsted Park North)
Reference No.	21/503906
District	Swale
Assessment Date	06/01/2023
Development Size	1,250

Net Social Care contributions requested:
Social Care and Health Services **£183,600.00**

Kent County Council has statutory* respons bilities to provide a variety of services that support and care for vulnerable adults and children across the county. In line with KCC Strategy**, the modern focus of the service is to support adults to live fulfilling and independent lives at home and in their community, ensuring adults receive the right care when they need it, and are also supported to get back on their feet when it is appropriate and possible.

To support this strategy, KCC seeks contributions toward five priority areas and may choose to apply the whole contribution to a single project, or proportionately between projects. The contribution from the development is the same. The result is greater certainty of project delivery and benefit to new communities to put together workable projects for the community and clients.

Proposed new housing development results in additional demands upon Adult Social Care (ASC) services from increases in older people and also adults with Learning, Physical and/or Mental Health Disabilities. Available care capacity is fully allocated already, with no spare capacity to meet additional demand arising from this and other new developments.

The focus of Adult Social Care is currently on the five areas listed below, offering a preventative approach to providing care. Based on an agreed set of service delivery models, an annual assessment of the impact of new and existing housing on these services has been carried out. Only the financial impacts relating to new housing are displayed.

Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures

* Under the Care Act 2014, Mental Health Act 1993 and Mental Capacity Act 2005

**https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing

A. ASSISTIVE TECHNOLOGY & HOME ADAPTATION EQUIPMENT	*Assistive Technology systems and Home Adaptation Equipment are delivered to vulnerable adults in their own homes, enabling them to: live with the confidence that help is available when they urgently need it and to remain independent in their own homes.*
B. ADAPTING COMMUNITY FACILITIES	*Adapting Community Facilities to be accessible for those with both mental and physical disabilities means vulnerable adults can access other support services and facilities safely and comfortably.*
C. SENSORY FACILITIES	*Sensory facilities use innovative technology to provide a relaxing or stimulating environment for people of all ages with sensory impairment conditions. The facilities may be used to calm stress and anxiety, or to encourage sensory development and social engagement.*
D. CHANGING PLACE	*Changing Places have additional features than standard accessible toilets to meet the needs of people with a range of disabilities and their carers. These toilets are usually located in or near a popular public area to ensure suitable facilities are available for use by vulnerable adults when necessary.*
E. SPECIALIST CARE HOUSING	*Specialist care housing includes extra care accommodation and other care living accommodation for those clients with special requirements. These requirements include but are not limited to, the elderly and those with physical and learning requirements.*

New Social Care Clients generated from this development: **251 client(s)**
Forecast SC clients generated from ALL proposed developments within the District (up to 2039) ***3,296 clients***

Contributions requested from this development **£183,600.00**
Contributions requested towards Specialist Housing in the District, Assistive Technology & Home Adaptation Equipment, Adapting Community Facilities, Sensory Facilities and Changing Places in the vicinity of the development.

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.

4. Minerals and Waste

The County Council as Minerals and Waste Planning Authority provided the following commentary direct to the Borough Council on 9 December 2022 (Appendix E).

Appendix E – Minerals and Waste Planning Authority Response

From: Bryan Geake - GT GC
Sent: 09 December 2022 12:56
To: planningsupport@midkent.gov.uk

Subject: Application Reference: 21/503906/EIOUT Location: Land To The West Of Teynham London Road Teynham Kent

Dear Andrew Lainton

Application Reference: 21/503906/EIOUT Proposal: Northern Site -Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works. Location: Land To The West Of Teynham London Road Teynham Kent

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above planning application.

The applicant has produced an 'Outline Mineral Assessment' (MA) prepared by Ecologia Environmental Solutions Ltd, given the presence of a safeguarded mineral deposit on the site, that being Brickearth (Faversham – Sittingbourne Area) as shown on the Swale Borough Council- Mineral Safeguarding Areas proposals maps of the Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review) (2020). The concluding section of the document states (emphasis added):

> *A review of the superficial geology of the site of the proposed development at Teynham West, near Sittingbourne has been completed to ascertain the potential for the presence of brickearth deposits. Geological mapping and ground investigation data provided by the client have indicated the presence of brickearth deposits within the proposed area of the development. Two unconstrained areas mapped by the BGS as containing head deposits have been identified,* ***both of which have a good likelihood of containing potentially viable brickearth deposits****.*
>
> *In order to address the requirements of KMWLP Policy DM7* ***further assessment*** *of areas* ***B.A*** *and* ***B.B*** *is required to determine the following:*

> • ***The quality of the brickearth deposits****. This would be achieved by further sampling and ceramic testing of the deposits by a suitable laboratory and/or a brick manufacturer.*
> • ***The quantity of the brickearth****. This would be achieved by further trial pitting across the assessment area, to measure the depth and lateral extent of the deposits.*
>
> *It is* ***recommended that the further assessment of the potentially viable areas is completed prior to the detailed Tier 3 Reserved Matters application for the development****,* ***at the Tier 2 Key Phase****. The full design of the proposed development* ***will further inform the consideration of potential sterilisation and prior extraction of mineral resources****.* ***Should a deposit of sufficient quality be identified that would be at risk of sterilisation by the proposed development, engagement with local brick manufacturers should be pursued to ascertain the demand, and therefore value of the mineral.*** *Options* ***for prior extraction can be explored*** *as part of the* ***detailed design process for the proposed development****. Given the large scale of the proposed development, it is likely that significant earthworks may be required, with areas of cut and fill for transportation routes and creation of development platforms. The consideration of the potential mineral deposits should be included in the design process, whereby the extraction of the potential mineral deposits could create void space for storage of other site derived materials.*

Essentially, the process of mineral safeguarding is incomplete at this stage of the application. It is recommended that the applicant determine if prior extraction of a viable mineral deposit is possible with advice from an operator who could correctly assess viability. The somewhat arbitrary recommended use of 100m standoffs to existing residential properties is questioned. As this is a superficial mineral deposit that would not be significantly impactive to such receptors, especially when topsoil storage bunding could be used as acoustic mitigation measures at sensitive location. The use of arbitrary distanced standoffs can artificially reduce the quantity of available mineral resources to below viability, when simple mitigation could render such standoff distances unwarranted.

Moreover, it is not considered that the consideration of landwon mineral safeguarding of an area (combined areas of Area B.A and B.B and amount to 98,274m squared) represented in the application can be left as a detailed reserve matter at a later planning application stage. As the combined areas could easily represent the quantity of what is generally considered the viability break point by Wienerberger UK Ltd (this being 50,000 m cubed), as only 1.0m in dept of usable mineral resources could yield 98,274 m cubed in volume and thus apply a density factor of 1.6 tonnes per cubic metre the potentially sterilised mineral resource could be 157,238 tonnes of Brickearth resources (and more if smaller stand-off distances are applied and/or the depth of the useable mineral is greater). A prior extraction of minerals at this scale could have significant implications for the deliverability of the development proposed. The matter is, it is considered, too fundamental to the determination of the acceptability of the development, even at an outline stage, to be adequately addresses as a reserved matter later on.

Therefore, the County Council raises a holding objection to the above application until the MA process, in accordance with Policy DM 7: Safeguarding Mineral Resources has been concluded.

Yours sincerely

Bryan Geake BSc Hons (Geol), MSc, MRTPI

Bryan Geake| Principal Planning Officer | Minerals and Waste Planning Policy | Growth, Environment and Transport | Kent County Council First Floor, Invicta House, County Hall, Maidstone, Kent ME14 1XX |Telephone: 03000 413376 | www.kent.gov.uk/planning

5. Sustainable Urban Drainage Systems

The County Council as Lead Local Flood Authority Planning Authority provided the following commentary direct to the Borough Council on 31 January 2023 (Appendix F).

Appendix F – Lead Local Flood Authority Response

Andrew Lainton
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Flood and Water Management
Invicta House
Maidstone
Kent
ME14 1XX
Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: SBC/2021/086016
Date: 27 January 2023

Application No: 21/503906/EIOUT

Location: Land To The West Of Teynham London Road Teynham Kent

Proposal: Northern Site -Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)).
Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.

Thank you for your consultation on the above referenced planning application.Kent County Council as Lead Local Flood Authority understand that the Flood Risk Assessment and Surface Water Drainage Strategy contained within chapter 12 of the Environmental Statement is a resubmission of the earlier May 2021 submission and no new information has been provided.

Within the LLFA's previous consultation response (KCC Wide Response 30/11/2021), we raised several items for further clarification. As the report is not updated, we would deem that those comments remain valid. Further to those comments, we would now highlight that the climate change allowances have been updated since the report was submitted (May 2022). For the design of the drainage system, we would now seek the higher allowance of 45% is applied for the 1% annual exceedance and 40% for the 3.3% exceedance.

For reference our previous comments have been reiterated below:

1. Drainage approach

The Water Cycle Strategy by C&A Consulting states that 1 in 100 year greenfield runoff rate has been calculated as 3.1 l/s/ha. We would note that it is usual that any surface flows are controlled to QBAR or the 1 in 2.5 year rainfall event which would be less than the stated rate.

Infiltration was found to be reasonable on the east of the site within the proposed residential area, which can be utilised for individual house soakaways. The western portion of the site was found to have poor infiltration and will be managed by controlled discharge to existing dry valleys. A small watercourse is located in the western part of the site.

The Surface Water Drainage Strategy (page 18 of 39 pdf) does note that groundwater was encountered alongside the northern boundary at depths of 3.6m to 4.15m below ground level.

Development within the proposed site area will result in an increase in surface water flows through the increase in impermeable areas. It is proposed to manage flows where possible through infiltration within the parcel areas.

The concern is that a high-level strategy assessment does not provide enough information to determine how much area must be allocated to surface water management as well as potential overland flow path provision. This has a direct implication on the developable area and unit capacity of the proposed development.

2. Overland Flow Paths

There are two dry valleys which pass through the proposed development. The surface water flood mapping produced by the Environment Agency is based upon many assumptions but is generally indicative of areas which may require further review.

Our discussion with the applicant has focused upon protection of these overland flow paths, acknowledging the general uncertainty as to when and if they are utilised given the underlying permeable geology. The proposed development layout incorporates the westerly flow path with open space whilst the eastern flow path is managed through re-profiling to relocate the flow path.

A further surface water overland flow path does cross the residential areas of R06 through R11 and it is indicated to managed within a channel which is yet to be determined.

3. Construction impacts

The ES states that mitigation for construction phase will be managed through Construction and Environment Management Plan (page 559 of 917). It is important that a phasing plan for the drainage system is submitted for review and approval prior to commencement to ensure that adequate drainage is provided at appropriate times for phases and earthworks coming forward.

Summary

The general approach to surface water management to make provision for the overland flow paths, with modifications of ground levels where needed and the general utilisation of infiltration where possible is agreed as appropriate.

However, the scale of development and strategic assessment do not provide sufficient information so that we could state that there is adequate provision for surface water within the indicative masterplan, as this is best assessed on a phase basis at a larger scale.

We do not agree with the calculation of an average discharge rate for the site based upon the 1 in 100 year peak runoff rate for the wider site. We would recommend that this is considered for specific zones and refined within a strategic surface water drainage strategy.

We expect infiltration to be feasible but have concerns that it is location specific, and it is very important the detailed ground investigation supports masterplanning for each phase to

ensure infiltration measures are in feasible locations. This ground investigation should also consider potential ground water levels.

We would also expect that any surface water provision is integrated into open space to maximise benefits and multi-functionality.

We do not have an objection in principle to the proposed development and anticipate that surface water may be managed appropriately within each phase of development but this must be assessed in sufficient detail within an outline application to assess magnitude of attenuation areas and overland flow path routes and therefore the ability of the site to deliver the proposed development.

We would recommend a holding objection until specific information is provided to support the sizing and location of infiltration drainage measures and demonstrating that these features can be integrated within the open space provision with appropriate setbacks.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Daniel Hoare
Flood Risk Project Officer
Flood and Water Management

6. Heritage Conservation

Heritage comments will be provided direct to Swale Borough Council in due course.

7. Biodiversity

The County Council, in respect of Biodiversity matters provided the following commentary direct to the Borough Council on 9 December 2022 (Appendix G).

Appendix G – Biodiversity Response

ECOLOGICAL ADVICE SERVICE

TO: ***Andrew Lainton***

FROM: ***Helen Forster***

DATE: ***13 January 2023***

SUBJECT: ***Land To The West Of Teynham 21/503906/EIOUT***

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.

We have reviewed the ecological information and have the following comments to make on this application:

The submitted ecological surveys have detailed the following:

- Area of traditional orchard within the site – considered to be a priority habitat.
- Small areas of deciduous and wet woodland – considered to be a priority habitat
- 5 ponds within or adjacent to site boundary – one pond assessed to meet the criteria of a priority habitat
- Hedgerows throughout the site – considered to be a priority habitat.
- Stream running through the site – considered to be a priority habitat
- At least 6 species of foraging bats within the site.
- 1 Building and 8 trees assessed as having roosting bat potential within and adjacent to the site – no emergence surveys have been carried out.
- At least 4 active badger setts recorded (including 1 main set).

- Evidence of badgers foraging/commuting within the site.
- Evidence of otter recorded on site
- Potential for brown hares and hedgehogs to be present.
- 47 species recorded during the breeding bird survey – of which 27 species were breeding or probably breeding and four were possibly breeding within the site
- At least 58 species recorded during the wintering bird surveys
- Amphibians likely to be present – no evidence that GCN are present.
- Common lizard and grass snake present

Bat emergence surveys have not been carried out as part of this application therefore we advise that it is unknown if the proposal will result in the direct loss of a bat roost. However we acknowledge that the features have all been assessed as negligible/low potential and therefore it is likely that where bat roosts are present appropriate mitigation can be implemented. However to fully understand the ecological impact it is preferred if all survey information is submitted prior to determination. This advice is in alignment with paragraph 99 of ODPM 06/2005 which states "*it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".*

An overarching ecological mitigation strategy has been submitted and indicates that the mitigation will be located within the Country Park and areas of green infrastructure of the site. We highlight that an updated site visit has not been carried out and the mitigation strategy has been based on the existing survey which (other than the updated wintering bird survey) is based on survey data which is at least 2 years old. We acknowledge that for the majority of species theoretically is there is capacity within the site to support the species recorded within the site. However the ecological mitigation areas will also be used for other purposes such as the provision of SUDS and recreation – in particular we are concerned with the impact of recreation. The report has tried to address this point by detailing that that dedicated amenity areas and informal recreation zones will be created to try and manage visitors/residents to the site. This information is not available on a parameter plan but instead provided on the BNG habitat plan within the ecological mitigation strategy. We highlight that there is a need to ensure that this division of types of habitats is achievable and we would expect it to be depicted in a parameter plan.

The wintering and breeding bird surveys have confirmed that farmland birds have been recorded on site and some birds (including skylark) cannot be retained on site due to their requirement for open spaces. No information has been provided detailing how farmland birds can be mitigated as part of the proposed development.

The indicative plan suggests that the hedgerows/open spaces will be created / enhanced throughout the built area of the site to achieve connectivity through the site. The submitted information has detailed that the hedgerows within the north and south of the site will be at least 10-30m in width and the greenspace corridor along the relief road would be at least 30-40m in width. We are supportive of this but there is a need to ensure that this can be implemented and be retained long term.

A Biodiversity Net Gain metric has been submitted and it has detailed that the proposal has an anticipated net gain of up to 30% for habitats. The metric has been produced on a precautionary bases with the majority of habitats proposed to achieve moderate condition and appropriate habitats have been proposed (e.g. natural/species rich grassland only proposed for the country park). In theory we are satisfied that this is achievable but as detailed above there is a need to ensure that any habitat creation will not be negatively impacted by recreational pressure and can be established as intended. If the habitat creation can not be implemented as intended the condition of the habitats established on site will not reach the estimated condition and therefore the anticipated biodiversity net gain will not be achieved.

If you have any queries regarding our comments, please do not hesitate to get in touch.

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:
Base Line Ecological Appraisal; Aspect Ecology; October 2022
Ecological Mitigation Strategy; Aspect Ecology; October 2022

8. Sport and Recreation

The County Council notes that the application states that Green areas are to be used for informal and formal open spaces which may include sport and recreation with associated lighting, all weather pitches, multi use games areas, play spaces, including imaginative play, biodiversity areas, community gardens and allotments.

There is a need and demand for all weather pitches in the area as those in the area are hugely over subscribed and based on school sites. An All weather pitch would be a significant asset to this community. Football Foundation and F.A are working jointly on Local Football Facility Plans (LFFP's) that show their targeted investment over the next 10 years. In Swale they could benefit with a large financial contribution to an all weather pitch as a result.

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Alex Jelley
Swale Borough Council
Development Control
Swale House
East Street,
Sittingbourne,
Kent
ME10 3HT

BY EMAIL ONLY

Growth, Environment & Transport

Invicta House
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 411683
Ask for: Simon Jones
Email: Simon.Jones@kent.gov.uk

01 March 2023

Dear Alex,

Re: Outline application with all matters reserved for a proposed development at land south and east of Sittingbourne, Kent [application reference: 21/503914/EIOUT]

Thank you for consulting Kent County Council (KCC) on the outline planning application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorspace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorspace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works.

The County Council notes that this application has been submitted alongside a related proposal for land to the west of Teynham Road (reference 21/503906). A separate response is made in respect of that application, and where appropriate, the cumulative impact of these two applications is considered. The County Council draws reference within this response to the prior response submitted in respect of this, and the related west of Teynham Road application – this response was provided on 30 November 2021 and is available on the application portal for reference.

In summary, and in considering the application as it currently stands, the County Council raises a **holding objection** on the following grounds:

- The proposal fails to provide appropriate modelling or sufficient information to provide KCC as the Local Highway Authority with an adequate understanding of the impact of the development in respect of highways and transportation. As such, KCC is not in a position to properly assess whether proposed mitigation measures are acceptable. Furthermore, as Local Highway Authority, the County Council would also raise the following issues with this application which are required to be resolved ahead of determination of this application:
    - Inappropriate modelling and a requirement for additional information.
    - Insufficient facilities at proposed junctions and existing infrastructure to promote the reported objectives for modal shift.
    - Junction performance analysis for the development accesses are required.
    - Inappropriate volumes of traffic along the Woodstock Road approach to Sittingbourne Town Centre.
    - Insufficient information on impacts or mitigation for routes through the AONB towards the M20.
    - Merge/Diverge analysis is required for proposed on/off slips to the Southern Relief Road .
    - Lack of information on treatment of Public Rights of Way .
    - Lack of cycling connectivity to Teynham station.
    - Unacceptable location of the proposed co-located Secondary/Primary school.
- As submitted, the proposal provides insufficient information to fully assess the impact of the development on the Public Rights of Way Network (PRoW) network, including its management and incorporation into the development. The County Council has received no contact with the applicant in respect of PRoW since the previous County Council response. It is not considered acceptable for the PRoW strategy for the site to be determined at a later stage, as currently proposed. The proposed development would both sever and fragment the existing network over a considerable area and considerable period. There is a clear need for discussions and contributions towards the incorporation, improvement and management of the PRoW network given the scale of the development proposed. The application shows incorrect alignments of PRoW routes on plans which must be corrected.
- Further discussions are required with the County Council in respect of the provision of education, waste and community infrastructure. The proposal does not provide the necessary and appropriately located primary education sites, and a site is required to be identified for the provision of a new Household Waste and Recycling Centre. The County Council would welcome engagement with the applicant and the Local Planning Authority in respect of the contributions required as detailed within Chapter 3 (Provision and Delivery of County Council Community Infrastructure and Services).
- There is insufficient information to demonstrate there would not be needless sterilisation of safeguarded mineral deposits. The proposal therefore fails to provide sufficient information to KCC as Minerals and Waste Planning Authority to fully assess whether the proposed development can invoke any exemption criterion of Policy DM 7: Safeguarding of Land-won Minerals (Kent Minerals and Waste Local Plan 2013-30.

- The proposal has not addressed matters that were raised within previous County Council response in respect of the County Council's role as Lead Local Flood Authority. These matters relate to greenfield run off rates and where flows that leave the site will be connected. Furthermore, the referenced addendum to the Flood Risk Assessment was not locatable to clarify the land parcel in relation to overland flow paths.

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

The County Council will continue to work closely with the Borough Council to help ensure the delivery of new housing and infrastructure in response to local needs – delivering sustainable growth for the Swale Borough. The County Council will welcome engagement with the applicant and the Borough Council as Local Planning Authority in addressing 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,

Simon Jones
Corporate Director – Growth, Environment and Transport

Contents

1. Highways and Transportation

The County Council's previous consultation response was submitted on 30 November 2021. The amended submission details from November 2022 relate to a number of documents that were referred to in that response. The actions within this chapter require resolution ahead of determination of the application. The previous response had commented on the following Transport Assessment documents:

- Transport Assessment Volume 2 – Policy Context & Strategic Justification
- Transport Assessment Volume 3 – Site Context
- Transport Assessment Volume 4 – Development Proposals
- Transport Assessment Volume 5 – Sustainable Transport Strategy
- Transport Assessment Volume 6 – Highway Infrastructure Proposals
- Transport Assessment Volume 7 – Traffic Impact Appraisal
- Transport Assessment Volume 8 – Mitigation Proposals

The latest submission documents only supersede volumes 3, 5 and 7, so the comments already provided in respect of volumes 2, 4, 6 and 8 remain applicable and the actions required will still be outstanding. For clarity, those comments included within the November 2021 response are replicated within the highway comments below, which should also be read in conjunction with the previously included WSP report (available within the 30 November 2021 response).

However, the submitted volume 7 appears to be corrupt as it is missing pages and the bulk of text is either omitted or illegible and therefore cannot be read. No comments can be provided at this time on volume 7, and assessment of that will only be able to commence when the appropriate document is available from the planning portal and accessible for public viewing. Given volume 7 contains the Traffic Impact Appraisal, this is of course one of the most relevant documents for consideration by the Local Highway Authority.

Action – An uncorrupted version of Transport Assessment Volume 7 must be submitted in order for consultees and the public to access it.

Updated Comments

In reviewing the amended documents, volumes 3 and 5, the following comments are now provided regarding the actions requested relating to these:

Transport Assessment (TA) Document 3: Site Context

Bus Services

Previous comment – *A 30min service is now operating along the A2 knowns as routes X3 and X4.*

Table 3.2 still omits acknowledgement of the X3 and X4 routes.

Action – Update the TA to include the current level of bus services.

Local Highway Network.

Previous comment – *Park Road – Demand for on street parking is very high, often resulting in single carriageway operation.*

The description of the Gore Court Road/Park Road corridor has not been amended to include any context for the single carriageway working.

Action – Update the TA to include the current level of bus services.

Baseline Operation

Previous comment – *The 2017 Base data as shown in table 4.1 taken from the Swale (STM) has been checked and all flows other than the AM flows on the A249 north of the A2 and the PM flows between M2 J6 and J7 have are agreed as accurate.*

Table 4.1 in the latest version the queried AM flow on the A249 north of the A2 has remained as previously indicated. Whilst it is noted that the PM flow between M2 J6 and J7 has been amended, it is also noted that the agreed AM flow for this link has now also been amended.

Action - Clarity is still required for the figures mentioned above that KCC is unable to replicate.

Previous comment – *It is noted that there are a number of highways that would be impacted by the development that have been omitted from the baseline assessment.*

Other local adopted roads affected by the development that have not been mentioned but should be included are as follows:

In an assessment for this application only:

Ufton Road, Tunstall Road, Rectory Road, Cromer Road, Highsted Valley, Highsted Road, Stockers Hill, Bottom Pond Road, Green Lane, Panteny Lane, School Lane, Church Street, Dully Road, Bexon Lane, Lynsted Lane, Swanton Street.

Additional highways in an assessment for the cumulative impact of both Highsted Park applications:

Lomas Road, Lower Road (Teynham) Station Road (Teynham), Hempstead Lane.

Without being able to access Volume 7 it cannot be confirmed whether the action requested has been completed.

Action – Traffic flow details and highway safety assessments to be added for the above-mentioned affected highways.

Highways Safety

Previous comment – *The Highways safety section is presented in a summary form only without any details of the incidents that have occurred, It is therefore not possible to review whether or not there are any patterns. Greater detail of the incidents reviewed should be presented along with any specific clustering alongside a justification for each assessment. This assessment will enable us to confirm or otherwise the conclusions made by the applicant.*

Without being able to access Volume 7 it cannot be confirmed whether the action requested has been completed and contained elsewhere within that document. Nonetheless, Table 4.3 in Volume 3 has not been updated to provide a summary of the accident data for those highways listed.

Action - In addition to the links presented, any highways not mentioned from the list above should be included in the assessment .

Action - Greater detail of the incidents reviewed should be presented along with any specific clustering with a justification for each assessment.

Traffic Conditions

Previous comment – *The statement in 4.2.6 and 4.2.7 was out of date at the point of submission with consent being granted by the Planning Inspectorate to proceed with delivery of the M2 J5 (RIS) scheme.*

Statements 4.2.6 and 4.2.7 remain out of date. In addition to consent being granted by the Planning Inspectorate to proceed with the delivery of the M2/J5 RIS scheme, work has commenced with completion due winter 2024.

Action – Update the TA to reflect status of the M2/J5 scheme.

TA document 5: Sustainable Transport Strategy

Objectives

Previous comment – *The proposed strategy, and development as a whole seeks to adopt similar objectives to those contained within the Swale Draft Transport Strategy, as mentioned above. There are, however, objectives set within the application's own strategy that do not accord with the Borough's.*

Objective 4. Encourage and facilitate, through a flexible framework, innovation in transport technology that place the Proposed Development and Swale at the cutting edge of sustainable transport solutions and a 'net exporter' of ideas;

There is a distinctive emphasis on transport innovation yet untested. Whilst an admirable objective there will need to be far greater detail on the proposals and whether or not they can be sufficiently legislated and approved on a public highway.

Objective 5. Present clear, demonstrably deliverable and tangible measures to achieve the objectives that learn from past experiences and respond to the shortcomings of historic strategies (and those emerging in draft) which set aspirational objectives but fail to secure effective and deliverable solutions.

The Borough's draft strategy is clearly marked as such, has a list of deliverable measures interventions and includes a stated flexibility for evolution to respond to emerging technologies and changes to travel patterns. The first part of the objective would therefore be in accord with the draft policy, the second part is not supported, being as it is a derogatory and unnecessary comment which neither adds anything to the objective nor conducive to positive engagement between the Highway and Planning Authorities.

The comments above still apply. Disappointingly, the text of stated objective 5 has not been amended.

Public Transport Strategy

Previous comment – *The proposals seek to initially make use and extend the existing bus services along the A2 making sure that all development lies within the required 400m threshold but also to ensure that the maximum headway would be 30 mins between services.*

It is proposed that the SMC would be built in the earlier stages of development so that a route can be provided.

Two routes have been initially assumed that would operate between the Oakwood and Highsted Villages and the centre of Sittingbourne and train station. The routes use a combination of internal development roads, the SMC and make use of a proposed bus gate at the Northern end of Highsted Road. A further inter development route is shown in figure 5.1 operating along the SMC between Kent Science Park and Teynham station.

There is no evidence seen that demonstrates that discussions have taken place with bus operators to justify the statements.

Action *- To ensure public transport is available from the outset a costed public transport phasing strategy will be required to demonstrate the feasibility and an approach that is compliant with national and local policy.*

Action *– Applicant to engage with KCC's Public Transport team and bus operators to discuss the feasibility of the proposals .*

No amendments have been made to the document, or information provided within this section of the TA to address the above, so the actions remain outstanding.

Development Rail Access

Previous comment – *It is assumed that there is a typographical error in paragraph 5.3.1 where is mentions connectivity to the Chartham main line, which KCC has taken to meaning the Chatham main line.*

Train services along this line are relatively frequent offering an hourly service in both directions during the inter-peak. A very good early morning and PM peak service is offered with increased frequency of between two to three services in the hour.

High speed services are mentioned as operating along the line but it should be clarified that high speed services are not available from Teynham station.

The TA mentions that the development seeks to maximise opportunities to access rail through various modes. Little detail is provided other than mention of walking, cycling and bus connecting routes and an intended community travel plan.

Action – *Further indication on how rail travel is proposed to be maximised is requested.*

The revised document has corrected the reference to the Chartham main line and now includes details on how rail travel and connectivity to Sittingbourne and Teynham Stations will be promoted.

The Local Highway Authority welcomes the proposed implementation of coordinated ticketing for combined bus and rail trips. The scale of the development does provide the opportunity to procure these tickets at favourable rates, although no details have been given on whether service providers have expressed a willingness to facilitate this.

Paragraph 5.3.10 only commits to exploring the scope for development of sustainable travel hubs. It is considered that more priority should be given to this.

The use of real-time information systems is supported, and this is considered to be a good tool to encourage public transport use. While it is commonplace for this information to be displayed at bus shelters and travel hubs, the strategy does not indicate whether the

information will also be easily available elsewhere, such as in homes and businesses to help people plan when to set off for their journeys.

Action – Greater emphasis should be given on the intention to provide sustainable travel hubs, and more details regarding the accessibility to real-time information within the development.

Framework Community Travel Plan

Previous comment – *The Highway Authority welcomes the inclusion of a framework travel plan. The applicant is expecting a condition to any permission to ensure delivery of a Community Travel Plan to cover both the Highsted applications. KCC would agree and recommend that a combined Travel Plan is a conditional requirement.*

The Travel Plan would need to be monitored by the Highway Authority and a financial contribution would be required to ensure our costs for this are covered.

The Framework Travel Plan includes a number of potential measures that are agreeable, these being;

- *Defined targets to increase use of Public Transport, Walking and Cycling. Increase up-take of EV cars and car sharing*
- *Integration of parking to facilitate EV and/or car sharing and appropriately located cycle parking hubs*
- *An electric bike hire scheme with associated infrastructure*
- *Public Transport services*
- *Provision of a 5m+ NMU corridor to facilitate any emergent autonomous technology*
- *Free or discounted public transport passes*
- *Vouchers for cycling equipment*
- *Promotional material to support the travel plan*
- *A central web-based framework for tailoring bespoke individual travel plan services*
- *Cycle Training*

***Action** - Additional measures that the Highway Authority also considers to be appropriate for this development would be bus shelters and waiting facilities and central community collection points such as Amazon lockers. Also the provision of public seating at regular intervals along the SMC and on other key walking corridors to accommodate elderly and mobility impaired persons they may need to rest along the route. These should be demonstrated.*

No measures for employment staff travel plans have been included in the application which as above undermines the portrayed sustainability of the proposals.

***Action** – Inclusion of a framework employment staff travel plans should also be provided.*

Whilst mentioning many agreeable options the Framework Travel Plan has given no consideration to the cost of each incentive.

***Action** - KCC will require a full cost plan demonstrating the expected outlay being provided towards each of the individual incentives to a level that can be fully considered by the Planning Authority in the review of viability assessment and for consideration of any Section 106 financial contributions.*

No targets or objectives could also be found which are fundamental to any TP.

***Action -** Guidance should be sought from KCC on the required inclusions of the TP.*

This section of the revised document has not been amended to from the original version, so it is considered that the same actions remain as per the previous response.

Previous KCC Comments on Remaining Volumes

Transport Assessment (TA) Document 2: Policy

The National Planning Policy Framework (NPPF) references made in chapter 3 are out of date, following an update to the NPPF in July 2021. The changes however predominantly relate to numbering and the correct numbering being paragraphs 104 to 113 within chapters 9 and 10. The element not referenced in the TA is in regard to paragraph 110 (c) which requires developments to meet "the design of streets, parking areas, other transport elements and the content of the National Design Guide and National Model Design Code".

In assessing the application and this policy, KCC's attention is drawn to paragraph 110 of the TA Document 2: Policy:

- *The application and infrastructure therein provide opportunities to promote sustainable transport modes. This is delivered through the applications ability to internalise movements and design in sustainable options from the outset. It is however considered that the application will be required to follow through its sustainable intentions into the junction designs. This is covered latterly in our response.*
- *Safe and suitable access is yet to be demonstrated due to incomplete modelling and assessments on its impacts on highway safety. In its current form the application does not comply with this policy.*

- *The streets, parking areas, other transport elements have not been demonstrated to show compliance to the National Design Guide and National Model Design Code. In its current form it is unclear as to how the application complies with this policy.*
- *Significant impacts from the development on the transport network have not been demonstrated to be cost effectively mitigated to an acceptable degree due to incomplete modelling evidence. In its current form the application does not comply with this policy.*

***Action** – Updated NPPF policy reference and evidence required.*

Reference to KCC's LTP4 remains current and includes reference to page 39 and the identified improvement labelled as an "extension to the Northern Relief Road to the A2 and then M2". As proposed this development application includes the infrastructure as referenced. Importantly though this should be put into context of the content of page 25 which reflects that the schemes are identified from individual districts Local Plans and Transport Strategies, it is noted that this infrastructure no longer appears to be a priority for Swale Borough Council as the current Reg 19 draft plan places the majority of its housing in other areas.

In the longer term it remains the view of the Local Highway Authority that the modelling presented through the various stages of the Local Plan Review that infrastructure of this nature would be required to facilitate any growth occurring in the area between Sittingbourne and Faversham due to pre-existing congestion, junction capacity and air quality.

Swale Draft Transport Strategy.

The Transport Strategy is designed to respond the emerging local plan review, and it is envisaged that the six stated objectives of the Swale Borough Council Transport Strategy will remain the same; these being:

Objective 1	*To promote active and sustainable travel enabling residents to take up these modes*
Objective 2	*To reduce and mitigate the impact of poor air quality related to transport whilst striving for net zero*
Objective 3	*To improve the journey time reliability and resilience across the transport network*
Objective 4	*To support the economic growth and development projected in the Local Plan Review*
Objective 5	*To consider the needs of all users across the transport network*

Objective 6 *To substantially reduce all road casualties and progress towards zero killed and seriously injured (KSI) casualties*

Objective 1

The application includes measures to support this objective through the following proposals:

- *Reduction in Sittingbourne Town Centre Traffic*
- *Additional Non Motorised Users (NMU) routes provided connecting with Teynham Station*
- *New highway infrastructure that creates opportunities for improvements to Bus Services*
- *Opportunities for internalisation of movement through accessible local amenities*

Objective 2

The application includes measures to support this objective through the following proposals

- *Reported reductions in traffic through existing AQMA's*
- *Improved opportunities for modal shift*

Objective 3

The application modelling needs to be updated to demonstrate that it is compliant with this objective.

Objective 4

The application duplicates the economic growth and development required by the Draft Local Plan Review and has not been demonstrated to support the growth strategy proposed by the Borough Council.

Objective 5

The application includes measures to support this objective through the provision of new internal walking and cycling routes and a proposed NMU corridor. It however fails to meet this objective with a lack of crossing provision or appropriate facilities being provided across and along the proposed link road infrastructure.

Objective 6

Highway safety assessments are incomplete and as such the application fails to demonstrate compliance with this objective.

TA Document 4: Development Proposals

This element of the application includes the following components.

- *8,000 residential units including Extra Care Sheltered Accommodation*
- *170,000 sqm of commercial Class B2, B8 and E including a 2,000 sqm Hotel Class C1*
- *Mixed use neighbourhood amenities Classes E F1 and F2.*
- *3x Primary School 3FE & 1 Secondary School 8FE*
- *New highway access points including a Sittingbourne Southern Relief Road and new motorway junction to the M2.*

The applicant has submitted a cumulative impact of both this application and that of 21/503904 only. Unusually, it is not therefore possible to assess this application on its own merits from a highway perspective. KCC has dealt with the cumulative assessment latterly in this response; this section therefore deals with the individual elements of this development.

The proposed development is formed of two new garden village communities known as Oakwood Village (South East of Bapchild and surrounding Rodmersham) and Highsted Village (Between Highsted and the M2 and surrounding the Kent Science Park).

Development proposals are understood to be separated between the villages in the following way:

<u>Oakwood Village</u>

Land Use	Sub Land Use	Units	Quantum
Residential	-	dwellings	4,073
Commercial	B2/E	m^2	4,140
Local Centre(s)	Medical Centre	m^2	1,250
	Pharmacy	m^2	200
	Retail	m^2	2,100
	Foodstore	m^2	1,670
	Professional/Financial	m^2	400
	Nursery	m^2	400
	Gym/Fitness	m^2	200
	Community Centre	m^2	1,000
	Pub/Restaurant	m^2	1,200
Education	Primary	FE	3
Leisure	Sports Pavilion	m^2	1,500

The development has an excellent ratio of employment space to residential, community facilities and appropriate primary school provision. As proposed it is agreed that there would be good potential for internalisation of movement within the proposed Oakwood Village. There would also be good accessibility to wider services, bus, train services and internal access provided to the strategic highway network.

Highsted Village

Land Use	Sub Land Use	Units	Quantum
Residential	-	dwellings	3,927
Commercial	B2/B8/E	m^2	165,860
Local Centre(s)	Medical Centre	m^2	1,000
	Pharmacy	m^2	250
	Retail	m^2	2,660
	Foodstore	m^2	1,950
	Professional/Financial	m^2	400
	Nursery	m^2	430
	Gym/Fitness	m^2	200
	Community Centre	m^2	2,000
	Pub/Restaurant	m^2	1,200
Education	Primary	FE	3
	Primary	FE	3
	Secondary	FE	8 + 6th Form
Leisure	Sports Pavilion	m^2	2,450

The development has a significantly higher level of employment space to residential, however it is well located with direct access to the strategic highway. There is a good range of community facilities and appropriate primary school provision. As proposed it is agreed that there would be good potential for internalisation of movement within the proposed Highsted Village. Access to bus services is likely to be good, access to train services may be require interchanging modes.

The secondary school and primary school proposed locations immediately adjacent to the M2 are poorly located and would be detrimental to independent or sustainable access. This would be a matter of objection on highway grounds for the above-mentioned reasons.

***Action** – Relocation of the collocated secondary and primary schools to a more sustainable site within Highsted Village to the satisfaction of the highway and education authorities .*

Proposed new infrastructure

M2 Junction 5a

A proposed all movement motorway junction located between the existing Ruins Barn Road and Bottom Pond Road to the south of the application site.

The design of the junction will be a matter for the consideration of National Highways. From a local highway perspective the junction has the potential to provide much needed resilience.

Sustainable Movement Corridor (SMC) incorporating the Southern Relief Road

The proposal includes a strategic highway connection between the A2 and the M2 with a sustainable movement corridor alongside. The new road would also act as access to the development.

The road is a combination of dual and single carriageway. Higher flows are demonstrated at the southern end of the proposed relief road and this has therefore been designed with a combination of grade separated and at grade junctions. The northern end has been designed with at grade junctions similar to those of the existing Swale Way.

Heading south to north, the relief roads starts as a dual carriageway serving vehicular use only to the first junction providing access to employment sites. This is agreed as appropriate.

Continuing north the route retains its dual carriageway status but transitions into a tree lined semi-rural corridor. The route continues through a grade separated junction with Broadoak Road. Broadoak Road itself crosses the relief road over a widened green bridge providing good pedestrian, cycle and public transport priority. North of this junction the road changes to a single carriageway. This is also the point at which the proposed Sustainable Movement Corridor (SMC) appears on the western flank of the relief road.

The next junctions is with the existing Highsted Road and Cromer Road and is proposed as a four arm signalised arrangement. It is mentioned that the signalisation would give priority to Public Transport and sustainable modes using the SMC.

***Action** - The applicant is requested to demonstrate how the reported SMC priority been modelled.*

Beyond the signalised junction the road crosses three Public Rights of Way (PRoW).

The area to the South of Bapchild is mentioned to have been "designed to respond to masterplan and placemaking evolution". This appears to result in greater connectivity with Bapchild through the existing highway network. An at grade roundabout junction connects with Church Street acting as access to the proposed Oakwood villages North and South of the relief road. A similar junction is then proposed a little further north, again providing access to the proposed Oakwood villages. The SMC finishes at the Church Street junction where it is proposed to be integrated into the existing highway. Footway/Cycleway provision continues on the southern side of the road.

Paragraph 4.3.25 of TA document 4 appears to suggest that there is limited access to the relief road and no general vehicle connectivity to the wider villages to ensure that traffic is focussed on the Key gateway junctions.

***Action** – Clarification on this paragraph is sought. SATURN plans suggest that development connects only to the relief road and no vehicular connection is achievable from the development to School Lane and Panteny Lane.*

Beyond the Northern roundabout to the Oakwood villages the road returns to being a dual carriageway up to the point of a new roundabout on the A2 and the commencement of a proposed Bypass of Bapchild.

***Action** – Clarification is required as to the start and finish point of each of the Highsted applications. As demonstrated in this part 4 of the TA there would only appear to be a half built Bapchild bypass in this application which clearly could not operate. Whilst the TA has not made any presentation of stand-alone modelling the application must be assessed as such. It is advised that either an alternative option of junction G must be presented in this application, or that it presents the inclusion of the completed link road around Bapchild from proposed Junctions R to G, inclusive of X and Y.*

Junction B (Employment land access)

A four-arm roundabout on the proposed Southern Relief Road (SRR) dualled on the North and South Arms and single carriageway on the east and west. The roundabout has a three lane 12m circulatory with an 80m diameter, a three-lane entry on the Northern arm and 2 lanes for all others. The applicant has advised on a departure from standards on the centre line radii. This relates to a need to avoid veteran trees in close proximity and the matter will need to be discussed through appropriate assessments to ensure there are no safety implications of this departure.

CD377 requires vehicle restraint systems (VRS) to be in place for all-purpose trunk roads with a speed limit of over 50MPH. Whilst technically not a trunk road the dualled section of SRR

between the M2 and a point just beyond the Broadoak Road junction is designed as such, hence the requirement for VRS. VRS is provided but stops short of the junction on the southbound approach by 1.5 times the stopping sight distance from the give way entry to the roundabout. The applicant has suggested an appropriate assessment on this be carried out through a Road Restraint Risk Assessment Process to be conducted prior to a Stage 1 Road Safety Assessment. The approach is generally agreed, and the matter will be raised with our structural engineers at an early stage for their consideration on the most appropriate design.

***Action** – Drawings to demonstrate approach lane width, inscribed circle diameter (ICD) for roundabout and all visibility splays .*

Side roads have an accepted 30MPH speed, the SRR has a 50MPH speed also accepted for this section of the road.

Cross sections of the SRR show two 7.3m carriageways in either direction with a 5.1m central reservation, area agreed as appropriate.

The Northern arm of the link has a 3m footway/cycleway facility which continues to the Eastern employment arm of the roundabout. A crossing and ongoing shared facility provides access to the Western arm. It is unclear as to how this is controlled.

***Action** – Applicant to clarify NMU crossing facilities between employment parcels.*

Junction C (Garden Bridge with Broadoak Road)

The junction provides grade separated access to the existing Kent Science Park through Broadoak Road and is made up of the following arrangements:

- *Access off and on to the SRR is provided via on and off slip road facilities*
- *A green bridge carrying Broadoak Road over the SRR*
- *A priority bus only junction access to the start of a Northbound Sustainable Movement Corridor to the West of the SRR with Broadoak Road being the major arm.*
- *A priority junction between Broadoak Road and the southern off/on slip road with the slip being the major arm.*
- *A signalised junction to control Broadoak Road West and East, the northern on/off slip and central avenue.*

A speed transition from 50 to 30MPH is noted on both exits of the SRR and is agreed.

The access off the 50MPH SRR is designed with merge, diverge tapers for all connections other than the southbound exit. The arrangements will need to conform with DMRB standards within CD123. Given the high employment use of the proposed development there is a likelihood for significant HGV movements and the lack of diverge on the southbound entry is of concern. Notwithstanding that CD123 does not allow for diverge facilities on the inside of a corner, the SRR at this location would appear to be near straight and the likelihood of obstruction of visibility of southbound merging vehicles potentially not of concern. No merge/diverge analysis has been presented for this arrangement and noting that flows appear to indicate around 140 left turn movements in the AM peak into this junction, with 50MPH mainline flows of over 1000, this analysis must be presented.

Junction modelling appears to be combined for Junction C and it is unclear which are the corresponding assessments.

***Action** – It is requested that the 4 "c" junctions be identified as "C (1-4)" to assist with junction location.*

***Action** - Merge/Diverge analysis to be presented for the exits off/on to the proposed SRR at junction C. Discussion and review necessary to consider as to whether or not the CD123 inside of bend criteria is applicable. SSD visibility splays to be presented on the drawings.*

Broadoak Road/SRR NB off slip

A short section of Broadoak Road is retained from its junction with Ruins Barn Road before giving way to the proposed the SRR north bound off-slip. No ghost right turn lane facilities are provided and visibility splays do not appear to have been demonstrated.

It is unclear which of the junction assessments relates to this location.

***Action** – Visibility splays to be demonstrated on the drawing. Clarity is sought on the location of this junction assessment.*

Green Bridge

No design details have been presented and these would be required to be fully assessed by our structural engineers. The TA reports that part of the decision making for inclusion of a green bridge was to prioritise NMU East/West movements however the design drawing appears to indicate only vehicle priority. No detail is demonstrated as to how pedestrians/cyclists are expected to negotiate the proposed arrangements or how the two existing public footpaths are to be dealt with. The masterplan submitted with the application appears to indicate that PRoW ZR155 would serve as a ped/cycle green link into the

development. Public Bridleway ZR151 is not shown on the drawing but would provide a vital link to Tunstall Village.

***Action** – Priority Walking/cycling and PRoW arrangements to be presented in the design drawing. Cycling connection to Tunstall Village via PRoW ZR151 to be demonstrated. Indicative design details to be discussed with KCC structural engineers.*

Bus only junction to Broadoak Road

The intention of this facility is welcomed. Further details will be required on its proposed operation and enforcement.

***Action** – Applicant to provide information on the proposed operation and enforcement of the bus gate .*

Signalised control of Broadoak Road

A proposed four arm signalised cross roads with Broadoak Road, the SRR southbound off slip and access to Kent Science Park via Central Road. SSD's have not been demonstrated on the plans and will be required.

***Action** – Add visibility splays to drawings.*

Junction D – Access to Highsted Road

The junction has been designed in accordance with CD123 and is in the form of a signalised junction between the SRR and Highsted Road. All lanes are stated to have a 3.5m width. Both approaches of the SRR have two straight ahead lanes and separate right turn lanes. The Northbound approach also has a separated left turn lane. The left turn lane is included to provide for priority crossing of the Sustainable Movement Corridor situated on the North side of the SRR. Controlled pedestrian/cycle crossing facilities are provided on the Eastern arm of the SRR and Highsted road Northern arm.

The Northern arm of Highsted Road provides access to new development and has two entry lanes into the signalised junction but does not continue Northbound to Sittingbourne Town Centre. A proposed sustainable gateway through the northern end of Highsted Road is proposed and welcomed.

Cromer Road is proposed to be diverted to a priority junction arrangement with Highsted Road. Highsted Road being the major arm with a ghost right turn lane facility being provided

into Cromer Road. The above mentioned Highsted Road removal of vehicular access to Sittingbourne results in Cromer Road being used for vehicular access to the Town Centre.

The Southern arm serves as access to the proposed development and has a two lane entry to the signalised junction.

Stockers Hill joins the proposed development access road via a priority junction being the minor arm of that arrangement. The road continues to serve access to Rodmersham Green and rural areas to the East.

Highsted Road south joins Stockers Hill as a minor arm at a priority junction being a reversal of the existing layout. The road continues to serve as access to the Highsted Valley to the South.

Public Bridleway ZU38 appear largely untouched by the proposals other than its termination being onto Stockers Hill rather than Highsted Road. There would appear to be an opportunity within the masterplan layout for this route to be continued North to connect with existing bridleway ZU35. This could provide a valuable addition for recreation and should be discussed further with the County Council PRoW and Access Service.

***Action** – Strategic approach to PRoW to be discussed with KCC PRoW & Access Service and opportunities for network development included in the application proposals.*

Heading North on drawing 16-023/2014D, a development access is demonstrated. This is not shown on the SATURN plan, does not appear to be modelled and its layout is unclear.

***Action** – Clarity on the layout, modelling and design required for the demonstrated development access to the North of proposed Junction D.*

Drawing 16-023/2015D demonstrates three crossings of public rights of way. These routes would play a vital component for provision of sustainable access routes and recreation, careful consideration needs to be applied to crossing treatments to ensure priority for NMU uses and suitability for equestrians.

***Action** - The treatment of PRoW crossings should be discussed with KCC's PRoW & Access Service & KCC Highways .*

The section has a two lane single carriageway with the SMC on the Northern side and a 3m shared footway/cycleway on the southern side. The stretch is designed as a 50MPH section with 7.3m wide carriageway.

Junction E (Access to Oakwood Village South)

A four arm roundabout with single carriageway approaches on each arm. Transition from 50MPH to 30MPH occurs on the western approach arm. Church Lane Northern arm is diverted into the proposed development with no vehicular through access to Bapchild. Church Lane Southern arm is shown as being retained but has a different configuration to that depicted in the Masterplan in which Church Lane becomes a minor arm of a new access road to development.

The SMC diverts into the Northern Oakwood village where is connects back into running with other traffic.

The Footway/Cycleway is also removed between junctions E & F and the ongoing provision to access Teynham Station does not appear to have not been demonstrated. Indirect on street routes with multiple junctions is demonstrated on the Framework Walking and Cycling plans which would again be in direct contradiction to the proposed objectives of the Sustainability section of the TA.

***Action** – Clarification is sought on how NMU routes are provided to connect with Teynham station.*

Two lane approach flares are demonstrated on all but the southern arm. At grade uncontrolled crossings are shown for pedestrians and cyclists across the Southern and Eastern Arm of the roundabout which would be detrimental to the proposed strategy to prioritise those modes. This is unsuitable for access towards Bapchild and local amenities proposed to the South of the SRR.

***Action** – Applicant to demonstrate a consistent approach in the Masterplan and proposed junction layouts with appropriate modelling - when.*

***Action** – Suitable NMU crossing of the SRR to be proposed and shown in submitted plans.*

No details are provided as to the ICD, lane width, radii or visibility splays.

***Action** – Geometric layout details to be provided on the drawings.*

The layout between the two Oakwood village access roundabouts includes a large central reservation verge with 6.75m carriageway. Cross section P does not appear to be representative of the layout and a cross section of the different layout further South near to Dully Road has not been demonstrated.

Action – *Additional cross sections on the section between Junction E and F to be provided and should correspond with the link sectional drawing provided.*

Junction F (Access to Oakwood village North)

A four arm roundabout with single carriageway approaches on all arms except the Northern arm which reverts to a dual carriageway with two 6.75m lanes in each direction. At grade uncontrolled crossings are shown for pedestrians and cyclists across the Eastern Arm of the roundabout which would be detrimental to the proposed strategy to prioritise those modes.

Action *– Suitable NMU crossing of the development access to be proposed.*

No details are provided as to the ICD, lane width, radii or visibility splays.

Action *– Geometric layout details to be provided on the drawings .*

A 3m shared footway/cycleway is demonstrated to be located on the Eastern side of the road.

Heading North the proposed SRR connects to junction G on which KCC has made comments in our response to the other Highsted application 21/503906.

Framework Pedestrian and Cycle Routes

The Framework Plan for walking and cycling routes demonstrates existing PRoW facilities and use of internal development roads. The only specifically new feature demonstrated appears to be that of a proposed route following a similar alignment to that of the proposed SRR but not at its northern end and critically it does not connect to Teynham or the train station.

PRoWs are largely retained along their existing alignments and within wider green corridors to retain their ability to serve recreational need. KCC could find no mention as to how these would be enhanced within the development to promote mode shift nor does there appear to be any additional PRoWs proposed. A notable omission is the missed opportunity to connect existing bridleways.

Whilst stating that there would be priority crossing facilities, most have been demonstrated on the highway layout drawings as at grade uncontrolled with no priority. Furthermore, there is no indication as to how the existing PRoWs are to cross the road infrastructure and appear to be severed and incomplete which would be significantly detrimental to promoting mode shift.

It is however acknowledged that much of the development is within a cyclable distance and that internal streets to Kent Design standards could provide opportunities within a garden village settlement for high levels of internal walking and cycling. As presented the Framework Walking and Cycling routes appear indirect, have limited separation from internal highways and no priority over vehicular modes. This would fail to be compliant with national or local policy.

No details of where local services, schools and amenities is shown on the Framework Walking and Cycling Framework and as such it is impossible to tell whether routes are serving them.

***Action** – Greater detail of pedestrian and cycling crossings are required to demonstrate that the proposed mode share can be achieved.*

***Action** – Walking and cycling connectivity to Teynham to be improved and demonstrated.*

***Action** – Framework walking and cycling route to demonstrate a more convenient and direct network of routes through development parcels and how they connect to schools, local amenities and transport hubs.*

***Action** – Improvements to PRoW network to be discussed with KCC PRoW and Access Service including the filling of gaps within the current Public Bridleway network.*

Ruins Barn Road -South

A proposed shared footway/cycleway is demonstrated along Ruins Barn Road. The route is shown on the western side of the road but terminates without completing. No visibility splays have been demonstrated at the crossing point and it would appear that provision for the existing on street parking is reduced. Existing highway boundaries have not been shown. In light of the above it is at this stage unclear as to the value or deliverability of the proposal.

***Action** – Proposal to be discussed further with the Local Highway Authority.*

Highsted Road Sustainable Gateway

The junction between Highsted Road and Swanstree Avenue is proposed to operate as a bus, pedestrian/cycling only gateway. Highway boundaries are depicted in the drawing and it would appear to be deliverable within the application and highway land. The proposal is in general welcomed, however further detail will be required on the proposed enforcement mechanism and ongoing management.

***Action** – Proposal to be discussed further with the Local Highway Authority.*

Cycling

Segregated cycling routes are proposed along the primary roads and these would be required to comply with the Department for Transport LTN 1/20.

Improvements to cycle parking convenience are welcomed with easier accessibility integrated into proposed dwellings. These would need to be both secured and sheltered.

An electric bike hire scheme within the development is proposed and welcomed. This would be served from the transport hub with supporting infrastructure provided throughout the development. It is proposed that the developments electric bike scheme could be expanded to cover wider areas of the Borough.

Parking.

The applicant proposes to adopt the Swale Borough Council standards and as such is agreed.

TA Document 7: Traffic Impact Assessment

This section of our response is repeated for both applications 21/503906 and 21/503914. The applicant has, rather unusually, submitted two separate applications however only assessed the impacts as a cumulative of the two. It is therefore technically impossible for the applications to be assessed independently on highway grounds. This response is therefore on the cumulative impact only.

Should the determining authority choose to approve these applications, KCC's position would have to be that one application could not be approved without the other, due to insufficient analysis of the individual applications being provided.

In preparation of the Swale Local Plan Review, it was determined at an earlier stage in Pre-application discussions that Borough Council, County Council and applicant would commission the build of a Strategic Highway model to be jointly paid for. This provides economic efficiencies for all parties whilst also ensuring that any forthcoming development applications can use the same modal structure and distribution. The base highway model is therefore the same for both this application and the Local Plan and has been validated appropriately and approved by the County Council, Borough Council and National Highways. Reference Case modelling was also completed as a joint approach but has subsequently been independently updated to meet the requirements of the Local Plan test and build brief of National Highways.

Highway Infrastructure assumptions.

There have been some revisions to the Local Plan reference case model in terms of Highway Assumptions that would also be required for the modelling tests for this application.

The additional junction improvements that have occurred since the Borough Council's earlier 2019 reference case model run are as follows;

- *A2/Love Lane signalisation*
- *A249/Bobbing junction signalisation*
- *Lower Road/Cowstead Corner capacity improvements*
- *B2006/Sonora Way roundabout capacity improvements*
- *Borden Lane/Homewood Avenue mini roundabout*
- *Quinton Road mini roundabouts*
- *Halfway Road Traffic lights*
- *M2/J5*
- *SW Sittingbourne link road between Chestnut St and Boden Lane*
- *NW Sittingbourne Access roundabout and internal link road between Quinton Road and Grovehurst Road*
- *Crown Quay Lane Access to Eurolink Way*
- *Iwade Expansion roundabout to Grovehurst Road*
- *Preston Field link road*
- *Perry Court link between Brogdale Road and the A251.*

***Action** – Reference case modelling needs to be updated, before the application is determined in order to properly assess the developments impact. The Local Highway Authority will be able to provide the applicant with the updated reference case model.*

Model Updates

The changes at Park Road and Swale Way are noted.

***Action** - KCC requests the detail of this is shared with KCC before the applications are determined in order for the Swale model to be appropriately amended.*

Trip Rates

KCC's response to trip rates is contained within our appended consultant's report.

Highway Infrastructure Assumptions

Paragraph 3.4.8 and 3.4.9 mentions the highway connections added including the following:

- *M2 J5A*
- *Completion of the SNRR Bapchild link*
- *A SSRR connecting between the A2 and M2*

Links from the development and new road to the following have also been added;

- *Ruins Barn Road*
- *Broadoak Road*
- *Highsted Road*
- *Church Road*
- *A2*

It is noted that Lower Road is not mentioned despite application 21/503906 creating a link to it. Neither are the flows shown in Appendix C for Frognal Lane, Station Road or whatever connection is to be made back to the A2 through the eastern side of that application.

***Action** – The impact on the traffic flows for the abovementioned streets should be demonstrated as it would be likely that the new links created to connect them to a strategic network would have an impact, before the application is determined.*

A review of the SATURN layout has identified that the proposed link to Lower Road is not included.

Ruins Barn Road and access to the South of the A2. Paragraph 3.4.11 identifies that Ruins Barn Road modelling capacity was limited to avoid unrealistic routing of traffic on rural roads. The assumption from this therefore is that the application is generating a demand for use of rural roads through the AONB and along an existing popular rural route using Ruins Barn Road through Swanton Street and Hollingbourne to get to the M20 or Maidstone.

Further to the above the diagrammatic traffic flow charts at Appendix C do not demonstrate what traffic is flowing South of the M2 on Ruins Barn Road but show a significant increase above the reference case provided.

***Action** - Further evidence is required as to the traffic impact upon the AONB and in particular towards the route mentioned above.*

Trip Distribution

The trip distribution beyond the development zones uses the same zonal pattern as the Swale Base and Reference cases and as such is agreeable.

Land use assumptions

The demand modelling for application 21/503906 is advised to be using the following KSP development Summary V27 8000. The numbers presented neither matched the application for 1250 dwellings or a cumulative test of 9250 dwellings stated at the outset of Section 7 of the TA. ***The modelling evidence is therefore not matching that of the application.***

Table 4.1: Land Uses

Land Use Category	Land Use Sub-category	Units
Residential	Private	6400 dwel.
	Affordable	1600 dwel.
Commercial	Light Industrial (Ind. Estate)	66400 sqm
	Research units	66400 sqm
	Warehouse	199200 sqm
Leisure	Leisure Centre + Sports	3950 sqm
Education	Primary	9 FE
	Secondary	8 FE
Local Centre	Nursery	790 sqm
	Medical Centre	2250 sqm
	Pharmacy	450 sqm
	Retail	5200 sqm
	Foodstore	3620 sqm
	Professional/ Financial	800 sqm
	Community Centre	3000 sqm
	Pub/ Restaurant	2400 sqm

When checking the application 21/503914 this shows the same referenced KSP development Summary V27 8000 however the land uses table is different and does show cumulative Land

Use assessment figures. This raises significant concerns as to what is included in the modelling completed.

***Action** - The TAs need to be appropriately amended and to provide the correct Land Use assumptions demonstrating the impacts of both applications independently and as a cumulative test. Modelling will need to be re-run to demonstrate the applications on their own merits and as a cumulative of the two. It is recommended that section 7 for each application is updated to show the impacts of the above mentioned scenarios.*

Net Traffic Impacts

As has been mentioned earlier the Local Highway Authority are not accepting that the reference case and with development tests provided are appropriate. Notwithstanding this and KCC's comments on the necessary modelling amendments, the information provided demonstrates the cumulative application as an indicative option against Local Plan required growth required in the Borough. Indicatively this shows a reduction of traffic through Sittingbourne Town Centre, the A249 and the A2. Increases are however then shown on Bell Road/Gore Court Road/Woodstock Road, routes to the South to Hollingbourne, Swale Way and the M2.

Junction Assessments

The applicant includes assessments for 36 junctions however as the modelling is in need of updating these will be inaccurate. As a consequence no detailed review has been completed by the Local Highway Authority or its consultants until such a time as the applicant has re-assessed them.

***Action** - The Applicant should append scale drawings of the existing junctions modelled. Base model calibration and validation should be carried out for all modelled junctions plus those identified earlier in this response. Subsequently, forecast models should be revised and junctions identified for mitigation should be updated based on capacity assessment results.*

21/503906

The TA provides no information on the performance of the proposed development accesses for application 21/503906 other than Junction G.

Without an ongoing connection to Lower Road this junction assessment will be incorrect.

***Action** – The applicant to update SATURN with the correct links and provide details of how development traffic has been apportioned to each of the access points for the proposed new development area.*

The Bapchild A2 access at Junction G also appears to operate over capacity in the AM peak, this therefore bares doubt into the output of Junction R as traffic is likely to re-assign to that. Junction R already suffers on its A2 Western arm with a 17 PCU queue in the AM and a 25 PCU Queue in the PM although this may be able to be balanced out through signal timings.

TA Document 8: Mitigation Proposals

As for the section above KCC's comments for this section are in respect of a cumulative test only and only for the mitigation presented by the applicant at this point in time.

Junction 21 – Swale Way/Barge Way

The junction is currently a three arm roundabout serving industrial employment to the North including the large waste to energy facility.

The mitigation proposed increases the two lane entry length on the Southern and Western arms of the roundabout. The circulatory width will need to be demonstrated on the drawing along with updated modelling evidence. Modelling for the mitigation proposed halves the difference between the AM queue to 7.4 PCU. The RFCs remain over 0.85 in the AM and PM and the gain appears disproportionate to the mitigation, as such further work may be required to ensure it operates within effective capacity.

***Action** – Disproportionate modelling results to be explained.*

Junction 22 – Swale Way/Ridham Avenue

The junction is currently a three arm roundabout serving industrial employment to the East. Increases in development traffic results in the junction becoming over capacity on the Swale Way arms.

The mitigation proposed increases the two lane entry length on the Southern and Northern arms of the roundabout. The circulatory width will need to be demonstrated on the drawing along with updated modelling evidence. Subject to the above the principle of the mitigation proposed is generally agreed as acceptable.

Junction 24 – Swale Way/Bingham Road

The junction is currently a three arm roundabout serving industrial employment to the South. As above the increases in development traffic results in the junction becoming over capacity on the Swale Way arms.

The mitigation proposed increases the two lane entry length on the Southern and Northern arms of the roundabout. The circulatory width will need to be demonstrated on the drawing along with updated modelling evidence. Modelling for the mitigation proposed reduces the AM queue by 11 PCUs. The RFCs remain over 0.85 in the AM and PM and the gain appears disproportionate to the mitigation, as such further work may be required to ensure it operates within effective capacity.

***Action** – Disproportionate modelling results to be explained.*

Junction 32 – Woodstock Rd/Cromer Rd/Ruins Barn Rd/Tunstall Rd

The existing arrangement is a staggered cross roads giving priority to the Woodstock/Ruins Barn Road arms.

The proposal is for the junction to be signalised however there remains queues of 80 PCU's on Woodstock Road in the AM and 48 on Ruins Barn Road in the PM. Three of the 4 arms are operating above 100% DOS. It is noted that the reference case also operates with severe congestion and any development strategy is therefore likely to require some kind of congestion control at this junction. The proposal remains with severe highway impacts and is not accepted by the Local Highway Authority.

***Action** - Further work is clearly required that would control movements from the application site and this would need to be discussed with the Local Highway Authority with through traffic from either Cromer Road or Ruins Barn Road likely to need some restriction to vehicular movement.*

Junction 58 – Woodstock Rd/Bell Rd/Gore Ct Rd/Park Ave

The existing arrangement is a four arm mini roundabout. The proposal retains the roundabout geometry but proposes two lane entry on approaches. Both the exit lanes and circulatory would remain single lanes. The design is sub-standard and not accepted by the Local Highway Authority.

Although not demonstrated it is anticipated that further mitigation would be required for this application on its own merits. Subject to appropriate modelling evidence, the Local

Highway Authority anticipates that there may be a necessity for mitigation for ongoing access to the East of the application's residential development on Lower Road, Station Road and for accessing to the A2 East of the proposed roundabout. Further to that is the earlier mentioned consideration for measures to include bus priority, direct and appropriate facilities for cycling and walking along and across the proposed new link roads and physical measures to improve conditions to support sustainable transport choice along Lomas Road.

Summary

As it has not been possible to review Volume 7 of the revised TA due to the corrupted document available, the previously stated summary is therefore still applicable:

It is technically impossible for the applications to be assessed independently on highway grounds due to the approach taken by the applicant. The TA's need to be appropriately amended providing the correct Land Use assumptions in order to demonstrate the impacts of both applications independently and as a cumulative test. Modelling must be re-run to demonstrate the applications on their own merits and as a cumulative of the two and against the updated Local Plan Reference Case. Once that is completed a reflection of the impact of the development can be both tested on its own merits and against alternative growth strategies sufficient to deliver the Boroughs housing needs.

As portrayed, it would appear that there is a general benefit of traffic re-routing away from existing AQMA's, Sittingbourne Town Centre and many congestion hot spots within the Borough. However there remains unacceptable impacts on the highway as currently demonstrated. Traffic flows amounting to similar levels of the new Local Distributor 7.3m wide Southern Relief Road are found on the Woodstock Road approach to Sittingbourne Town Centre. The flow diagrams at Appendix C show a two way PM flow of 2166 on the existing constrained highway compared to a flow of 1978 at the Southern end of the appropriately designed wide development distributor road. This is clearly unacceptable an undermines the value of the new link.

Summary of issues relating to this application –

1. *Inappropriate modelling and a requirement for additional information.*
2. *Insufficient facilities at proposed junctions and existing infrastructure to promote the reported objectives for modal shift.*
3. *Junction performance analysis for the development accesses to be provided.*
4. *Inappropriate volumes of traffic along the Woodstock Road approach to Sittingbourne Town Centre.*
5. *Insufficient information on impacts or mitigation for routes through the AONB towards the M20.*

6. *Merge/Diverge analysis required for proposed on/off slips to SRR*
7. *Lack of information on treatment of Public Rights of Way*
8. *Lack of cycling connectivity to Teynham station*
9. *Unacceptable location of the proposed co-located Secondary/Primary school.*

Summary of issues relating to the cumulative applications –

1. *Inappropriate modelling and a requirement for additional information.*
2. *Insufficient facilities at proposed junctions and exiting infrastructure to promote the reported benefits to modal shift.*
3. *SATURN modelling links need to include the proposed connection to Lower Road and A2.*
4. *Inappropriate volumes of traffic along the Woodstock Road approach to Sittingbourne Town Centre.*
5. *Insufficient information on impacts or mitigation for routes through the AONB towards the M20.*

On the basis of the above the County Council as Local Highway Authority would raise a holding objection until such a time as further evidence is provided.

2. Public Rights of Way

The County Council, in respect of Public Rights of Way (PRoW) is keen to ensure that its interests are represented with respect to KCC's statutory duty to protect and improve 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.

The following Public Footpaths are located within the site and would be directly affected by the proposed development.

- ZR194
- ZR682
- ZR196
- ZR197
- ZR199
- ZR208
- ZR209
- ZU31
- ZU30
- ZR147
- ZR155
- ZR158
- ZR156
- ZR157
- ZR150
- ZR185
- ZR49

Restricted Byways ZU34A, ZU35 and ZR151 are also located within the site and would be directly affected by the proposed development.

The locations of these paths are indicated on the attached extract from the Definitive Map (Appendix A). The existence of the Rights of Way are a material consideration.

In respect of Public Rights of Way, the County Council as Local Highway Authority raises a holding objection on the above application for the following reasons:

- Despite reference to conversations with stakeholders, the County Council, in respect of Public Rights of Way has received no contact from the applicant.
- Incorrect alignments of PRoW routes on plans.
- PRoW strategy only to be determined at Tier 2, and all matters of access not considered at outline stage. For a development of this scale, this is considered to be too late to allow timely discussions and contributions and therefore avoid potential conflict and oversights.
- Insufficient detail provided to fully assess the management and incorporation of the PRoW network both during construction and in operation, particularly given the significant impact on the area over the timescales quoted. The proposed development would both sever and fragment the existing network over a considerable area and considerable period. Our response reflects the cumulative effect on the Borough from this Application and Application 21/503906.
- Various significant Transport Assessments not on the Swale Planning Portal, Vols.4,6,8, including re mitigation. Mitigation cannot therefore be addressed; it is expected that many elements relating to the mitigation of adverse impacts on PRoW and their improvement in support of active travel, amenity and leisure benefits will be subject to TCPA 1990 section 106 agreements and/or conditions.

The County Council retains the commentary raised in it's previous response dated 30 November 2021 and would draw attention to the following matters raised within this original response, of which there is **no** mention within the documents provided:

*The County Council requires that a **PRoW Management scheme** is provided to include **each** Public Right of Way affected, to cover pre-construction, construction and completion over the prolonged phasing schedule. A separate scheme should be provided and agreed as **each** Phase comes forward for approval in the described Tier process. All details to be approved by KCC PRoW and Access Service prior to commencement of any works if permission is granted.*

Landscape and Open Space Strategy Addendum

Section 1.4, Changes to the Linkages Framework – The proposed diversions are not clear and PRoW references are required on the plans alongside the differentiation between Footpath and Bridleway to give full context. Also, PRoW ZR208 is omitted which provides link to ZI34A Restricted Byway; ZR196 route is incorrect; ZR150 route is incorrect and ZR151 must be improved for strategic cycle link.

Section 1.6, Landscape Changes to Highsted Village East – There is PRoW a need to show references to demonstrate clarity. At present, there are a number of incorrect routes and some are not show in full and/or have stretches omitted.

Section 1.7, Landscape Changes to Central Country Park – The County Council notes that a number of PRoWs are not included within this plan, and those that are, are not clear.

Section 1.8, Landscape Changes to Oakwood Village North and West – Option 1 will affect PROW AR682 and for Option 2 – the PRoW requires referencing.

Section 2.1, Update to Greenspace – Household Waste would appear to conflict with the PRoW network near Bexon Lane/M2 crossing and the links from Bredgar.

Section 2.3, Update to Food Production Strategy – The County Council requests that walking and cycling access should include PRoW routes.

Section 2.4, Update to Sports and Fitness Strategy – This section should ensure links with and direct access from PRoW.

KCC would ask that all these details are provided before the application is determined.

Transport Assessment

It was noted by the County Council that the Transport Assessment Volume 1, 2, 4, 6 and 8 were not updated on the application portal so the County Council has not been able to provide a full response in respect of this application.

Volume 3, Site Context – Section 3.2 Walking and Section 2.3 Cycling – The County Council requests further information and evidence to support these sections. The PRoW network is

the area also connects to Bapchild, Teynham and villages east and south, not just those mentioned and southeast Sittingbourne. At present, these sections contain no consideration of Non-Motorised-Users and there are potential conflicts on rural lanes which are not, as considered within the application documents, “lightly trafficked”. The County Council notes that the cycling proposals do not mention the opportunities given by improving Bridleways for Active Travel as well as leisure routes.

Volume 5, Sustainable Transport Strategy – In respect of paragraphs 2.5.12-13, the County Council does not support the matter of access and phasing not being determined at this outline stage. Matters relating to Active Travel and the PRoW network must be determined earlier in the planning process.

In respect of Section 3.4, Holistic View of Transport Network – the County Council was interested to see this included given the previous County Council comments, but again no real hard evidence as to proposals are provided and all references are brief with lack of detail – this must be evidenced and detail must be provided as part of the planning application.

In respect of paragraph 5.3.17 regarding Teynham Station access, as per the previous County Council response, the access is currently congested. The access has a PRoW running over the at grade level crossing, has very limited parking, narrow and congested highway access, and limited space for bus drop off, all of which requires discussion with the rail operators. The County Council would expect the applicant to go further than evaluating “opportunities to enhance cycle parking”.

In respect of Sections 6.3, Walking between Villages and 6.4, Leisure Walking Pedestrian, and as stated within the County Council previous response - PRoW are not just leisure routes and must be seen for the opportunities presented for Active Travel routes; this shift in mindset is essential for any Sustainable Transport policy for future development.

In respect of Section 6.5, Walking Beyond the development, all three corridors must link to the PRoW network.

Section 7.1, The Role of Cycling - the County Council is disappointed to see no reference of PRoW routes with cycle rights and again the opportunities presented (Bridleways, Restricted Byways). These routes can form strategic links both on and off site. There is also no consideration of on-site upgrades to create new links on existing routes.

With regards to the Framework Community Travel Plan – the Travel Plan must include positive incorporation of PRoW network – for example, within packs/ website information for new residents. The applicant should engage with Explore Kent, the County Council’s marketing and promotional partners.

In respect of Section 9.4, Wider Promotion of Walking and Cycling – reference to the PRoW network must be included and contact is recommended with Explore Kent.

The County Council would advise that a financial contribution, in the form of Section 106 Agreement funding should be allocated to mitigate the loss of amenity, increased use and

subsequent improvements that will be required in the wider network as the area is developed. The County Council is unable to provide figures for such funding with the information currently provided in this application. However, significant measures will need to be taken to help mitigate the impact and to future proof sustainable Active Travel across the wider area of the Borough. The increase in investment and policy from both central and local government towards a modal shift away from short car journeys should focus this project to provide a sustainable development for the future.

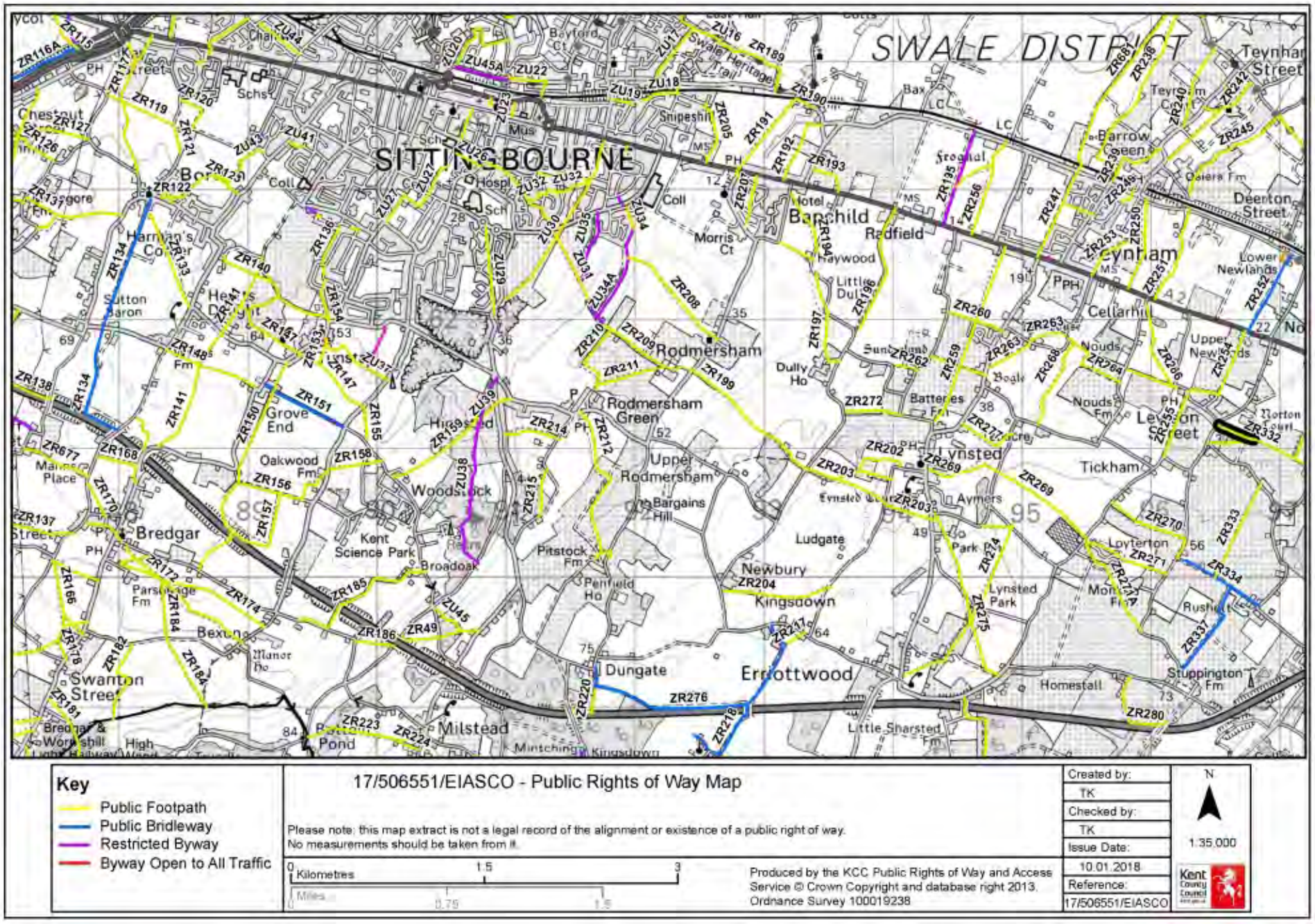
Active Travel access is essential from the outset of any work commencing to enable both new and existing users to access amenities both within and off site (schools and community facilities). There can be no disruption or potential danger to public use of the network; any delay to the upgrading and/or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

The following points from the County Council's previous correspondence at Scoping stage are also reiterated below and should be picked up as part of this application:

- *The likely usage and visual impact on users participating in recreational activity on the above-mentioned footpaths and restricted byways.*
- *The likely loss of recreational walks within open countryside.*
- *The viability of upgrading existing PRoW, as a means of providing Active Travel 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 countryside, providing opportunities for outdoor recreation.*
- *The provision of safe crossings points over the A2 for non-motorised PRoW users, to address safety concerns and improve network connectivity.*

In consideration of Kent Design standards and Police guidance, any forthcoming 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. KCC would ask that this information be provided before the application is determined.

Appendix A – Extract of the Network Map


SWALE DISTRICT
SITTINGBOURNE
Bapchild
Rodmersham
Rodmersham Green
Upper Rodmersham
Lynsted
Teynham
Bredgar
Grove End
Oakwood Fm
Woodstock
Kent Science Park
Broadoak
Bargains Hill
Pitstock Fm
Penfield Ho
Newbury
Kingsdown
Ludgate
Tickham
Aymers
Loyterton
Lynsted Park
Dungate
Erriottwood
Homestall
Stuppington Fm
Little Sharsted
Milstead
Pond
Swanton Street
Bexon
Manor Ho
Parsonage Fm
Sutton Baron
Harman's Corner
Chestnut Street
Snipeshill
Morris Ct
Haywood
Radfield
Little Dullingham
Dully Ho
Batteries Fm
Cellarhill
Nouds Fm
Upper Newlands
Lower Newlands
Deerton Street
Teynham Street
Barrow Green
Norton
Levington Street
Froghall
Oaiers Fm
Mintching
Kingsdown
Key
Public Footpath
Public Bridleway
Restricted Byway
Byway Open to All Traffic
17/506551/EIASCO - Public Rights of Way Map
Please note: this map extract is not a legal record of the alignment or existence of a public right of way.
No measurements should be taken from it.
0 1.5 3
Kilometres
0 0.75 1.5
Miles
Produced by the KCC Public Rights of Way and Access Service © Crown Copyright and database right 2013.
Ordnance Survey 100019238
Created by: TK
Checked by: TK
Issue Date: 10.01.2018
Reference: 17/506551/EIASCO
N
1:35,000
Kent County Council

3. Provision and Delivery of County Council Community Infrastructure and Services

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).

KCC notes that this application has been submitted concurrently with Highsted Park North application SW/21/503906, and indeed provisions have been proposed for the joint sites, particularly Secondary education. However, the applications are separate and will be reviewed independently. KCC would therefore wish to draw the Local Planning Authority's attention to particularly the Secondary and Special Education need requirements, and how these matters should be dealt with if the applications proceed independently.

Request Summary

	Per 'Applicable' House (5984)*	**Per 'Applicable' flat (427.5)***	**Total**	**Project**
Nursery	26 place Nursery at each new Primary School – Provided as part of each Primary School			
Primary Education	£6,800.00	£1,700.00	£41,417,950.00*	Towards new on-site primary schools serving the development
Primary Land	2No. New primary school sites of 3Ha each and 1No site of 2.05Ha, provided at 'nil' cost to the County Council (transferred as per KCC's General Site Transfer Requirements)			
Special Education	£559.83	£139.96	£3,409,855.62*	Contribution towards a new special needs school serving this development and SRP provided within

				the Mainstream Education Schools on-site and within the Borough
Secondary Education	£5,176.00	£1,294.00	£31,526,369.00*	Towards a new secondary school to serve this and the adjoining Highsted Park (North) development
Secondary Land**	10Ha New 8FE Secondary School site to be provided as part of the combined Highsted Park (North & South) proposals. Sites provided at 'nil' cost to the County Council (transferred as per KCC's General Site Transfer Requirements)			

Please Note:

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered/extra care accommodation. The applicant has advised in correspondence that all proposed 1-bed flats are below this size and therefore not applicable. Should this change, KCC will reassess the requirement for education places.

* The County Council has used the housing mix referenced in the October 2022 Planning Statement Addendum Para 3.4 Table 3.1). The applicant has advised in correspondence that 10% of 2 bed flats/houses will be restricted to occupancy for over 70s. KCC has applied this mix and removed the age restricted dwellings as non-applicable for education assessment, subject to a legal Agreement restricting occupancy age in the age restricted dwellings in perpetuity.

Should either the mix or age restricted unit numbers change, the County Council reserves the right to reassess the requirement for education places.

** Secondary land & SEN – Irrespective of whether the Highsted Park North and South sites proceed jointly or independently, KCC Education has confirmed that there is a significant deficit in places locally, even allowing for a new Secondary school in Northwest Sittingbourne. *Consequently, new standalone Secondary and SEN provision will be required for this Highsted South application if it proceeds independently from Highsted Park North.* Alternatively, the combined Highsted Park North & South sites will require a new on-site Secondary School and contributions towards SEN School land and build costs. As Highsted Park is a split site and if the Secondary is located on the South site, a *Development Equalisation Agreement* will be required between the North and South sites (if they are in separate ownerships) with this North site contributing proportionately towards the Secondary School site on the South site.

	Per Dwelling (x7150)	Total	On Site Community Buildings	Project
Community Learning	£16.42	£117,403.00	Free use of on-site Community facilities for classes, 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	£468,325.00	Free use of on-site Community facilities for youth sessions, plus provision of secure storage for equipment	Towards additional resources and upgrade of existing youth facilities including the New House Sports and Youth Centre in Sittingbourne to accommodate the additional attendees, as well as resources and equipment to enable outreach services in the vicinity of the development.
Library Service	£55.45	£396,467.50	Free use of on-site Community facilities for library purposes, plus provision of secure storage for equipment	Towards additional resources, services and stock, the local mobile Library service and works to Sittingbourne Library to increase capacity to meet the needs of the development.
Social Care	£146.88	£1,050,192.00	Free use of new Community facilities on-site for meetings, group, and therapy sessions,	Towards Specialist care accommodation, assistive technology and home adaptation equipment, adapting existing community

			plus provision of secure storage for equipment	facilities, sensory facilities, and Changing Places Facilities within the Borough
	All Homes built as **Wheelchair Accessible & Adaptable Dwellings** in accordance with Building Regs Part M 4 (2)			
Community Buildings specification:	*Design that is Dementia friendly with dementia friendly decoration and signage. *A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc. *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) * Provision of secure storage for KCC Social Care, Community Learning, Libraries and Youth Service.			
Waste	£183.67	£1,313,240.50	Towards a new Household Waste Recycling Centre on-site and increases in capacity at the Waste Transfer Station in Sittingbourne.	
Waste Site	A new Household Waste Recycling Centre site of 1.5ha is required at no cost to the County Council - transferred as per KCC's General Transfer Terms, should either the South proceed independently, or the combined Highsted Park North and South proceed. If the new HWRC is ultimately located on the South site and the North site is in separate ownership, any land cost should be dealt with by the applicants through a *Development Land Equalisation Agreement* with the North site contributing its proportionate share.			
Highways	*Kent Highway Services will respond separately*			

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 accompanying appendices.

Primary Education

The impact of this proposal on the delivery of the County Council's services is assessed in **Appendix B.** The indicative housing mix provided by the applicant has been used to calculate the Primary Education need created by the development. Based on this –which must be subject to regular review of all Reserved Matters final mix– the proposed South development is estimated to generate up to 1,705 primary pupils, equivalent to 8.12 Forms of Entry (FE). KCC commissions new primary schools as either two or three forms of entry, and therefore 2No 3 Form Entry Primary and 1No 2 For Entry schools will be required to support the (South) development. The site requirements for each 3FE primary school is 3Ha of for a 2FE primary it is 2.05ha, transferred in accordance with KCC general Site Transfer terms (attached). The location of each site is to be agreed with KCC as the Statutory Education Authority.

The County Council requires a financial contribution towards construction of the new schools at £6800.00 per 'applicable' house and £1700.00 per 'applicable' flat ('applicable' means: all dwellings, except: 1 bed of less than 56sqm GIA and any sheltered/extra care accommodation).

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.

Applicant's Proposal – Primary School Sites/Indicative Locations/Phasing

Whilst the application is showing 3 x 3FE Primary School Sites, the site sizes for the Highsted East Primary is inadequate for 3FE. The Masterplan and supporting documentation is showing 3ha for Highsted West and Oakwood East schools and 2.05ha for the Highsted East school site. As a result of the expected pupil demand it is requested that the Highsted East school would be a 2FE school which, given the current demand projections, would be acceptable to the County Council.

The above figures have been taken from page 35 “Revised Parameters and Strategies” in the Design and Access Addendum which are assumed as correct.

Highsted West Primary School Location

The proposal is showing the primary school located on 3Ha of land as required.

The location of the primary is at the edge of the built area of development and appears well located in terms of accessibility and is generally agreeable.

Greater detail of the proposed Primary School site is however required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments KCC will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council is able to confirm it is agreeable.

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 existing neighbourhoods in the locality.

Highsted East Primary School Location

The proposal is showing the primary school located on 2.05Ha of land which would only be sufficient for a 2FE school.

KCC welcomes school locations close to market centres, which aids in the creation of community and supporting footfall to other services.

It is unclear from the plans whether a PRoW crosses this proposed school site. Please note KCC’s transfer terms and advise accordingly.

Greater detail of the proposed Primary School site is however required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments KCC will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council is able to confirm it is agreeable ahead of determination of this application.

Oakwood East Primary School Location

The proposal is showing the primary school located on 3Ha of land as required.

The location of the primary is at the edge of the built area of development and appears well located in terms of accessibility to sports and open space land use. It is however detached

deo the local centre and residential areas and would benefit from being better integrated to these areas.

Greater detail of the proposed Primary School site is however required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments KCC will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place. KCC would welcome a further discussion on the locations suitability ahead of determination of this application.

Anticipated Phasing of School Builds

Table 1 below sets out KCC's anticipated delivery triggers for 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

	Number of Dwellings Occupied
Primary School 1	350
Primary School 2	2600
Primary School 3	5200
Secondary School	1st phase delivered at 600 occupations***

***600 occupations combined across both the North and South Developments if built out jointly. (The Primary School triggers are occupations on Highsted South ONLY.)

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.

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.

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 (ECHP) which sets out the provision they are entitled to. As of January 2019, 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 particular, 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.

Current data indicates that the proposal will give rise to additional pupils with Education and Health Care Plans (EHCP's), requiring extra support through specialist SEN provision. This new demand will need to be met through a new SEN School and SRPs in the new mainstream schools. This new SEN school will also serve the needs of the proposed Bobbing West Development.

Whilst the request for SEND contributions is emerging policy for KCC (with adoption expected mid-2023), the anticipated timeframe for the potential approval of this planning application is expected to be post adoption of KCC's new Developer Contributions Guide. The County Council, therefore, concludes that is it reasonable to include a request for SEND provision contributions at £559.83 per 'applicable' house and £139.96 per 'applicable' flat towards construction of a new SEN School building and provision of SRP facilities in the new mainstream schools and provision at schools in the Borough.

Secondary School Provision

The impact of this proposal on the delivery of the County Council's services has been assessed using indicative housing mix provided by the applicant has been used to calculate the Secondary Education need created by the development.

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 Highsted South development is projected to produce up to 1,218 secondary pupils equating to 6.85 Forms of Entry. To accommodate this additional demand, along with the demand from the Highsted North development, a new, on-site 8FE Secondary school is required on a site of 10ha at nil cost to the County Council, in a location to be agreed by the County Council and transferred in accordance with KCC's General Site Transfer Terms.

The County Council requires a financial contribution towards construction of the new Secondary school at £5176.00 per 'applicable' house and £1294.00 per 'applicable' flat ('applicable' means: all dwellings, except: 1 bed of less than 56sqm GIA and any sheltered/extra care accommodation).

Secondary Education provision in the Borough is already at a critical point with a significant deficit in places. Places within the proposed new Northwest Sittingbourne Secondary school are already taken by extant permissions as they are built out and furthermore, to meet the current Local Plan. Consequently, this application will place additional pressures on education provision and a new, on-site Secondary school is required. Should this application not provide this infrastructure, the County Council will be unable to meet the needs of the new population for secondary education places and the application will be unsustainable on educational grounds.

Greater detail of any proposed Secondary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. It is expected that the majority of pupils and their carers will reside in the proposed development. KCC will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council will be able to confirm its suitability – this confirmation must be secured ahead of determination of this application.

The secondary school site will need to be served by vehicular, public transport and pedestrian/cycle routes prior to its opening, connecting not only the new community to this school, but also the existing developments in the locality and further afield in the Borough.

KCC notes that a site size of 9ha has been offered and not the 10ha requested. KCC would be prepared to negotiate this point such that an additional adjoining 1ha be safeguarded for Education purposes immediately adjacent to any proposed secondary school 9ha site offered and that it is provided at nil cost to the County Council, should the Pupil Product Rate from the development be as, or above that currently calculated.

If Highsted Park (North and South) proceeds concurrently then proportionate contributions towards the Secondary School land at Highsted Park South of £2635.73 per 'applicable' house and £658.93 per 'applicable' flat will be required through a Development Equalisation Agreement.

The site acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

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

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 2021-25 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

Anticipated Delivery of Secondary School

KCC's assessment of secondary education places in the planning groups shows that there is a significant deficit of places. Whilst the school will be built out in phases, it is anticipated that the first phase will be required to open by 600 occupations (combined across both the North and South Developments if built out jointly). 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.

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 C**, 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.

Youth Service

To accommodate the increased demand on KCC services the County Council requests £65.50 per dwelling towards additional resources and upgrade of existing youth facilities including the New House Sports and Youth Centre in Sittingbourne 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 facilities for equipment.

Libraries

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

Borrower numbers are in excess of capacity, and bookstock in Sittingbourne at 654 items 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 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 resources, services, and stock will be made available locally through free use of on-site community facilities for Library purposes (including secure storage within these facilities for equipment), towards the local mobile Library service, and towards works at Sittingbourne Library, as and when the monies are received.

Adult Social Care

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

KCC is the Statutory Authority for Adult Social Care. The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services. However, all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. 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 Social Care requires:

- a proportionate monetary contribution of £146.88 per household (as set out in Appendix D) towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places locally in the Borough.

- Free use of new Community Facilities on-site for meetings, group and therapy sessions

- Community Buildings to contain:

    - 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).
    - 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.

- The Department for Levelling Up, Housing & Communities (LUHC) 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. Accessible and adaptable housing provides safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. Kent Social Care request these dwellings are built to Building Reg Part M4(2) standard to ensure they remain accessible throughout the lifetime of the occupants to meet 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 ahead of determination of this application.

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 ahead of determination of this application.

Waste

Recycling and Waste Management Strategy

Section 2.4 Regional and Local Waste Policy does not include reference to the following KCC documents which are relevant to the assessment.

- The Kent Waste Disposal Strategy; a key document in setting out KCC's current position, identifying the future pressures and outlining how KCC will maintain a sustainable waste management service.
- The Kent Design Guide should also be referenced, in particular the section on waste minimisation and recycling.

Section 4 Management of Operational Waste

This section describes in detail the anticipated waste volumes that will be generated by the development and how it will be designed to provide the required bin infrastructure. It does not go into detail regarding what happens to that waste once it is collected and the impact upon KCC's Waste Disposal Service. The only reference to what happens after it is collected comes in Section 5, Summary and Conclusion.

"*5.1.11 Residential waste generated by the development will be collected by Swale Borough Council and is designed to be recovered or disposed of in accordance with the Kent Resource Partnership's Joint Municipal Waste Management Strategy."*

Currently all kerbside collected waste in Swale is taken to a single KCC owned Waste Transfer Station (WTS) in Sittingbourne, where it is bulked up before being sent on for final disposal. The addition of some 421 tonnes per week as stated in para 4.2.4 will place significant demand on the WTS facility, which is already at capacity.

Environmental Statement: Vol 3 Non-Technical Summary

Unlike the Recycling and Waste Management Strategy, the ES does consider the impact on KCC's Waste Disposal Service. KCC suggests this is added to the Strategy document for completeness.

KCC is pleased to see the demand on the WTS recognised and fully supports the proposed mitigation. KCC would like to see the wording in section 14.17 strengthened to provide a firmer commitment to the provision of developer contributions towards the new HWRC and WTS redevelopment. Suggested text below for consideration:

~~"It is likely that~~ Developer contributions are necessary and will be used to support the construction of a new Household Waste Recycling Centre (HWRC) on 1 Hectare of land on the Highsted Park development to the south of Sittingbourne Town Centre and contribute towards the redevelopment of ~~. This would allow~~ the existing waste transfer station at Sittingbourne. This will allow it to expand onto land already occupied by a HWRC and therefore increase the sites operational capacity."

To accommodate the increased waste throughput and mitigate the impact arising from this development, a contribution of £183.67 per household is required towards a new Household Waste Recycling Centre within Highsted Park and increases in capacity at the existing Waste Transfer Station in Sittingbourne.

A new Household Waste Recycling Centre site of 1.5ha is also required at no cost to the County Council. This may be within Highsted Park South, if Highsted Park South proceeds concurrently with this application, otherwise the new Household Waste Recycling Centre site will be required independently.

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. KCC 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 us 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.

Appendix B - Education Land Assessment

Education

Site Name	Land to the South and East of Sittingbourne (Highsted Park North)
Reference No.	SW/21/503914
District	Swale

	Houses	Flats	Total
Unit Numbers	**5984**	**427.5**	**6411.5**

Primary Education

	Per house	Per flat
Primary pupil generation rate	*0.28*	*0.07*

New Primary Pupils generated from this development **1,705**

New Primary School build contribution

	per Pupil	per House	per Flat
New Build Rate	*£24,286*	*£6,800*	*£1,700*

Contribution requested towards New Primary School Build **£41,417,950.00**

Secondary Education

	Per house	Per flat
Secondary pupil generation rate	*0.20*	*0.05*

New Secondary Pupils generated from this development **1,218**

New Secondary School build contribution

	per Pupil	per House	per Flat
New Build Rate	*£25,880*	*£5,176*	*£1,294*

Contribution requested towards New Secondary School Build **£31,526,369.00**

Education

Site Name	Land to the South and East of Sittingbourne (Highsted Park North)
Reference No.	SW/21/503914
District	Swale

	Houses	Flats	Total
Unit Numbers	**5984**	**427.5**	**6411.5**

Special Education Needs

	Per house	Per flat
SEN pupil generation rate	*0.016*	*0.004*
New SEN Pupils generated from this development		**97**

New Special Educational Needs contribution

	per Pupil	per House	per Flat
Blended Rate	*£50,893*	*£560*	*£140*
Contribution requested towards New SEN School Build			**£3,409,855.62**

Notes
Costs above will vary dependant upon land price at the date of transfer of the school site to KCC
Totals above will vary if development mix changes and land prices change

Appendix C - Communities' Assessment

KCC Communities

Development Contributions Assessment

Site Name	Land South and East of Sittingbourne (Highsted Park South) Kent
Reference No.	SW/21/503914
District	Swale
Assessment Date	13/01/2023
Development Size	7,150

COMMUNITY LEARNING & SKILLS

	Services
Current Service Capacity	2,108
LESS Current adult participation in Swale district	2,214
Initial capacity **shortfall**/**surplus** (Year ending 2019)	**-105**
New adult participation from this development	**256.61 clients**
Will service capacity be exceeded?	**YES**
Contributions requested from this development	£16.42 per dwelling
7150 dwellings from this proposal	**£117,403.00**

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	1,811	975
LESS Current youth participation in Swale district	1,901	1,024
Initial capacity **shortfall**/**surplus** (Year ending 2019)	**-91**	**-49**
New youth participation from this development		**357.5 clients**
Will service capacity be exceeded?		**YES**
Contributions requested from this development		£65.50 per dwelling
7150 dwellings from this proposal		**£468,325.00**

Towards additional resources and upgrade of existing youth facilities including the New House Sports and Youth Centre in Sittingbourne to accommodate the additional attendees, as well as 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	17,288
LESS Current library participation in Swale district	18,152
Initial capacity **shortfall**/**surplus** (Year ending 2019)	**-864**
New borrowers from this development	**2084.94 borrowers**
Will service capacity be exceeded?	**YES**
Contributions requested from this development	£55.45 per dwelling
7150 dwellings from this proposal	**£396,467.50**

Towards additional resources, services and stock, the local mobile Library service and works to Sittingbourne Library to increase capacity to meet the needs of the development.

Net contributions requested for KCC Communities' Services	**£982,195.50**

Appendix D - Social Care Requirement

KCC Social Care, Health and Wellbeing

Development Contributions Assessment over the planning period 1/1/2019 to 31/12/2039

Site Name	Land to the South and East of Sittingbourne (Highsted Park South)
Reference No.	21/503914
District	Swale
Assessment Date	13/01/2023
Development Size	7,150

Net Social Care contributions requested:
Social Care and Health Services £1,050,192.00

Kent County Council has statutory* responsibilities to provide a variety of services that support and care for vulnerable adults and children across the county. In line with KCC Strategy**, the modern focus of the service is to support adults to live fulfilling and independent lives at home and in their community, ensuring adults receive the right care when they need it, and are also supported to get back on their feet when it is appropriate and possible.

To support this strategy, KCC seeks contributions toward five priority areas and may choose to apply the whole contribution to a single project, or proportionately between projects. The contribution from the development is the same. The result is greater certainty of project delivery and benefit to new communities to put together workable projects for the community and clients.

Proposed new housing development results in additional demands upon Adult Social Care (ASC) services from increases in older people and also adults with Learning, Physical and/or Mental Health Disabilities. Available care capacity is fully allocated already, with no spare capacity to meet additional demand arising from this and other new developments.

The focus of Adult Social Care is currently on the five areas listed below, offering a preventative approach to providing care. Based on an agreed set of service delivery models, an annual assessment of the impact of new and existing housing on these services has been carried out. Only the financial impacts relating to new housing are displayed.

Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures

* Under the Care Act 2014, Mental Health Act 1993 and Mental Capacity Act 2005

**https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing

A. ASSISTIVE TECHNOLOGY & HOME ADAPTATION EQUIPMENT	*Assistive Technology systems and Home Adaptation Equipment are delivered to vulnerable adults in their own homes, enabling them to: live with the confidence that help is available when they urgently need it and to remain independent in their own homes.*
B. ADAPTING COMMUNITY FACILITIES	*Adapting Community Facilities to be accessible for those with both mental and physical disabilities means vulnerable adults can access other support services and facilities safely and comfortably.*
C. SENSORY FACILITIES	*Sensory facilities use innovative technology to provide a relaxing or stimulating environment for people of all ages with sensory impairment conditions. The facilities may be used to calm stress and anxiety, or to encourage sensory development and social engagement.*
D. CHANGING PLACE	*Changing Places have additional features than standard accessible toilets to meet the needs of people with a range of disabilities and their carers. These toilets are usually located in or near a popular public area to ensure suitable facilities are available for use by vulnerable adults when necessary.*
E. SPECIALIST CARE HOUSING	*Specialist care housing includes extra care accommodation and other care living accommodation for those clients with special requirements. These requirements include but are not limited to, the elderly and those with physical and learning requirements.*

New Social Care Clients generated from this development: *Forecast SC clients generated from ALL proposed developments within the District (up to 2039)*	**1438 client(s)** ***3,296 clients***
Contributions requested from this development	**£1,050,192.00**

Contributions requested towards Specialist Housing in the District, Assistive Technology & Home Adaptation Equipment, Adapting Community Facilities, Sensory Facilities and Changing Places in the vicinity of the development.

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.

Appendix E - Waste Assessment

KCC Waste Services

Development Contributions Assessment over the planning period 1/1/2021 to 31/12/2030

Site Name	Land to the South and East of Sittingbourne (Highsted South)
Reference No.	21/503914
District/Area	Swale
Assessment Date	13/01/2023
Development Size	7,150

Net Waste contributions requested:

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, meaning that it is responsible for the receipt and onward processing/disposal of household waste, providing Waste Transfer Stations (WTS), Household Waste Recycling Centre Services (HWRC) and monitoring closed landfills. Kent residents make approximately 3.5 million visits to HWRCs per year and each household produces an average of a 1/4 tonne of waste to be processed at HWRCs, and 1/2 tonne to be processed at WTSs annually. Kent's Waste Management services are under growing pressure with several HWRCs and WTSs over operational capacity (as of 2020).

In accordance with the Kent Waste Disposal Strategy 2017-2035, 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:

A. WASTE TRANSFER STATIONS (WTS)

Additional waste generated by new households increase the throughput of waste and reduce speed of waste processing at Waste Transfer Stations.

1. Applicable dwellings from this development	**7,150**
*2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)**	*70,100*
3. Overall cost of increasing capacity for 70,100 new dwellings by 2030	*£9,056,920.00*
4. Cost per new dwelling (£9,056,920 / 70,100 new homes)	£129.20
Contributions requested from this development	£129.20 per dwelling
7,150 dwellings from this proposal	**£923,780.00**

Contributions requested towards Sittingbourne WTS

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	**7,150**
*2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)**	*64,200*
3. Overall cost of increasing capacity for 64,200 new dwellings by 2030	*£3,496,974.00*
4. Cost per new dwelling (£3,496,974 / 64,200 new homes)	£54.47
Contributions requested from this development	£54.47 per dwelling
7,150 dwellings from this proposal	**£389,460.50**

Contributions towards on site HWRC

Net Contributions requested for KCC Waste from this development	**£1,313,240.50**

*** 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.

4. Minerals and Waste

The County Council as Minerals and Waste Planning Authority provided the following commentary direct to the Borough Council on 9 December 2022 (Appendix F).

Appendix F – Minerals and Waste Planning Authority Response

From: Bryan Geake - GT GC
Sent: 09 December 2022 12:56
To: planningsupport@midkent.gov.uk

Subject: Application Reference: 21/503914/EIOUT Proposal: Southern Site. Outline Planning Application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of up to 7,150 residential dwe

Dear Andrew Lainton

Application Reference: 21/503914/EIOUT Proposal: Southern Site. Outline Planning Application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorspace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorspace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works. Location: Land South And East Of Sittingbourne Kent

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above planning application.

The applicant has produced an 'Outline Mineral Assessment' (MA) prepared by Ecologia Environmental Solutions Ltd, given the presence of a safeguarded mineral deposit on the site, that being Brickearth (Faversham – Sittingbourne Area) as shown on the Swale Borough Council- Mineral Safeguarding Areas proposals maps of the Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review) (2020). The concluding section of the document states (emphasis added):

A review of the superficial geology of the site of the proposed development at Highsted Park, near Sittingbourne has been completed to ascertain the potential for the presence of brickearth deposits. Geological mapping and ground investigation data provided by the client have indicated the presence of brickearth deposits within the proposed area of the development. Seven unconstrained areas mapped by the BGS as containing head deposits have been identified, with two having a moderate likelihood of viable brickearth deposits (areas H.B and H.C). The remaining five areas are deemed as unviable for brickearth extraction on the basis of either the deposit being absent, too thin to warrant extraction, or having too high a gravel content for use as a brick clay.

In order to address the requirements of KMWLP Policy DM7 further assessment of areas H.B and H.C is required to determine the following:

• The quality of the brickearth deposits. This would be achieved by further sampling and ceramic testing of the deposits by a suitable laboratory and/or a brick manufacturer.

• The quantity of the brickearth. This would be achieved by further trial pitting across the assessment area, to measure the depth and lateral extent of the deposits.

It is recommended that the further assessment of the potentially viable areas is completed prior to the detailed planning application for the development. The full design of the proposed development will further inform the consideration of potential sterilisation and prior extraction of mineral resources.

Should a deposit of sufficient quality be identified that would be at risk of sterilisation by the proposed development, engagement with local brick manufacturers should be pursued to ascertain the demand, and therefore value of the mineral. Options for prior extraction can be explored as part of the detailed design process for the proposed development. Given the large scale of the proposed development, it is likely that significant earthworks may be required, with areas of cut and fill for transportation routes and creation of development platforms. The consideration of the potential mineral deposits should be included in the design process, whereby the extraction of the potential mineral deposits could create void space for storage of other site derived materials

Essentially, the process of mineral safeguarding is incomplete at this stage of the application. It is recommended that the applicant determine if prior extraction of a viable mineral deposit is possible with advice from an operator who could correctly assess viability. The somewhat arbitrary recommended use of 100m standoffs to existing residential properties is questioned. As this is a superficial mineral deposit that would not be significantly impactive to such receptors, especially when topsoil storage bunding could be used as acoustic mitigation measures at sensitive location. The use of arbitrary distanced standoffs can artificially reduce the quantity of available mineral resources to below viability, when simple mitigation could render such standoff distances unwarranted.

Moreover, it is not considered that the consideration of landwon mineral safeguarding of an area (combined areas of Area H.B and H.C and amount to 404,769 square meters) represented in the application can be left as a detailed reserve matter at a later planning application stage. As the combined areas could easily represent the quantity of what is generally considered the viability break point by Wienerberger UK Ltd (this being 50,000 m cubed), as only 1.0m in dept of usable mineral resources could yield 404,769 metres cubed in volume and thus apply a density factor of 1.6 tonnes per cubic metre the potentially sterilised mineral resource could be 647,630 tonnes of Brickearth resources (and more if smaller stand-off distances are applied and/or the depth of the useable mineral is greater). A prior extraction of minerals at this scale could have significant implications for the deliverability of the development proposed. The matter is, it is considered, too fundamental to the determination of the acceptability of the development, even at an outline stage, to be adequately addresses as a reserved matter later on.

Therefore, the County Council raises a holding objection to the above application until the MA process, in accordance with Policy DM 7: Safeguarding Mineral Resources has been concluded.

Yours sincerely

Bryan Geake BSc Hons (Geol), MSc, MRTPI

Bryan Geake| Principal Planning Officer | Minerals and Waste Planning Policy | Growth, Environment and Transport | Kent County Council First Floor, Invicta House, County Hall, Maidstone, Kent ME14 1XX |Telephone: 03000 413376 | www.kent.gov.uk/planning

5. Sustainable Urban Drainage Systems

The County Council as Lead Local Flood Authority Planning Authority provided the following commentary direct to the Borough Council on 31 January 2023 (Appendix G).

Appendix G – Lead Local Flood Authority Response

Andrew Lainton
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Flood and Water Management
Invicta House
Maidstone
Kent
ME14 1XX
Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: SBC/2021/086050
Date: 30 January 2023

Application No: 21/503914/EIOUT

Location: Land South And East Of Sittingbourne Kent

Proposal: Southern Site. Outline Planning Application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorspace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorspace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority have the following comments:

As part of the KCC combined response dated 30th November 2021 it was stated: "The Water Cycle Strategy by C&A Consulting (ES Volume 2 Appendix 12.1 WSC Volume 1 page 7) states that 1 in 100 year greenfield runoff rate has been calculated as 3.1 l/s/ha. We would note that it is usual that any surface flows are controlled to QBAR or the 1 in 2.5 year rainfall event which would be less than the stated rated."

This does not appear to have been addressed within Entran's response dated 10th November 2022

Similarly we also stated "Control structures with flow rates are indicated at a small number of locations e.g. R01, R06, R02, R42 etc. The site does not currently connect to watercourses or sewers and therefore there is a question in relation to

where flows which leave the site (R42 and CG02) will be connected which also appear to have not been addressed.

The cover letter supplied by Entrans referenced above also states that an "addendum to appendix 12.1 will be prepared to clarify land parcel location in relation to overland flow paths." We have been unable to locate any such addendum or amended drainage within the Flood Risk Assessment.

Further to the above we also now note the recent comments submitted by Southern Water with regards to the protected aquifer and the requirement for additional works and evidence to be submitted prior to the acceptance for infiltration to be used. Without Southern Water's sign off it will not be possible to drain the development as proposed and as such we will require evidence of their acceptance to the principle of infiltration before we can recommend approval given that without it the site may not be able to manage surface water without increasing flood risk.

In light of the above issues we would ask that a holding objection to the application be put in place.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Neil Clarke
Sustainable Drainage Team Leader
Flood and Water Management

6. Heritage Conservation

Heritage Conservation Comments will be provided direct to Swale Borough Council in due course.

7. Biodiversity

The County Council, in respect of Biodiversity matters provided the following commentary direct to the Borough Council on 9 December 2022 (Appendix H).

Appendix H – Biodiversity Response

ECOLOGICAL ADVICE SERVICE

TO: ***Andrew Lainton***

FROM: ***Helen Forster***

DATE: ***13 January 2023***

SUBJECT: ***21/503914/EIOUT Land South And East Of Sittingbourne***

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.

We have reviewed the ecological information submitted with the planning application and we advise the following:

The following ecological surveys have been carried out:

- NVC surveys of the LWS and Ancient Woodland
- Bat emergence surveys
- Bat Hibernation surveys
- Bat activity/automated surveys
- Badger survey
- Dormouse surveys
- Breeding bird surveys
- Wintering bird surveys
- GCN HSI and eDNA surveys
- Reptile Surveys
- Invertebrate surveys

The surveys have detailed the following:

- The Swale SPA, SSSI and Ramsar site within 2km of the proposed development
- Local Wildlife Site and Ancient Woodland within or adjacent to the proposed development boundary
- A number of International/National/Locally designated sites within 5-10km of the proposed development site.

- Lowland mixed deciduous woodland, lowland meadow and open mosaic habitat on previously development land (all priority habitats) within the Highstead Quarry LWS
- The woodland within and adjacent to the site (including the ancient woodland and Cormer's Wood LWS) has been assessed as lowland mixed deciduous woodland (a priority habitat)
- The parkland within the site has been assessed as Wood-pasture and Parkland (a priority habitat).
- Hedgerows throughout the site – hedgerows are a priority habitat and some hedgerows are considered important under the regulations.
- Building 4 (as per the Ecological Appraisal) recorded a brown long eared bat roost.
- Building 6 (as per the Ecological Appraisal) recorded a soprano pipistrelle bat roost and a brown long eared maternity roost.
- The quarry tunnels in the LWS considered to be used by brown long eared bats as a hibernation roost.
- Confirmed noctule bat roost within a tree in the LWS
- Possible common and soprano pipistrelle roosts within the trees in the parkland/Highstead wood AW.
- At least 6 species for bats recorded foraging/commuting within the site.
- 20 active badger setts recorded (including 3 main setts)
- Dormouse (population may have expanded since the 2017 survey)
- Brown hare (priority species)
- Potential for hedgehog (priority species)
- GCN recorded within a pond to the south of the site
- 71 species of bird during the breeding bird survey (35 species confirmed/probable breeders). Including barn owl a schedule 1 species (Wildlife and countryside Act 1981 (as amended).
- 50 species of birds recorded during the wintering bird survey (including farmland bird and priority species)
- Slow worm and common lizards
- At least 247 species of invertebrate – including species of notable conservation status.

The submitted ecological information provides a good understanding of the ecological interest of the site. However an updated site visit/ecological appraisal has not been carried out since the 2021 ecological reports were produced and the surveys are now at least 2 years old. When we previously commented we highlighted that it is likely/possible that the dormouse population may have increased since 2017 particularly within the Highstead Quarry's Local Wildlife Site as at the time of the initial survey the vegetation had only recently established on site. This point has not been addressed within the updated mitigation strategy. As dormouse have been recorded within the wider site we advise it must be presumed that dormouse have established within the Highstead Quarry LWS.

Mitigation
The 'mitigation hierarchy' described in British Standard BS 42020:2013, which involves the following step-wise process:

- Avoidance – avoiding adverse effects through good design;
- Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;
- Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

We advise that the proposed development is not following the steps of the mitigation hierarchy as the proposal will result in the direct loss of Local Wildlife Site and Ancient Woodland through the creation of the road and housing which are of at least county importance. A large number of the protected species records were recorded within the LWS and the AW proposed to be directly impacted and therefore we question if the whole of the LWS/AW can be retained rather than proposing the development of quarry C and adjacent orchard in to housing and losing AW to create the access road.

The National Planning Policy Framework (NPPF) (2021) paragraph 180 states *"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*" We note that a detailed compensation strategy for the loss of the AW has not been provided as part of this application but information has been provided confirming at least 8.1ha of replacement woodland will be created within the site. We highlight that the compensation planting also incorporates the AW buffer for the area of ancient woodland in the south of the site. We highlight that part of the woodland planting would have had to be carried out to mitigate the impact on the area of AW in the south of the site and therefore the whole area can't be considered compensation for the loss of AW. We advise that the creation of the woodland planting can be considered as compensation under the NPPF but advice that SBC must be satisfied that there are wholly exceptional reasons for the proposal

An overarching mitigation strategy has been submitted as part of this application and mitigation largely relies on the creation of the proposed country park. We acknowledge that, theoretically, for the majority of species there is capacity within the site to support the species recorded within the site. However the ecological mitigation areas will also be used for other purposes such as the provision of SUDS and recreation – in particular we are concerned with the impact of recreation. The report has tried to address this point by detailing that that dedicated amenity areas and informal recreation zones will be created to try and manage visitors/residents to the site. The majority of the open space areas are either minimal access or provide information recreation and from an ecology perspective we are supportive of this but due to the numbers of dwellings proposed and adjacent to the site we query if the impact from recreation will be greater than anticipated within the assessment.

There is a need to ensure the proposed habitat creation can be implemented and retained on site to ensure the proposed species and habitat mitigation can be achieved. Currently we are concerned that the proposed mitigation will not be achievable and we advise that SBC must take advice on that point internally / organisations with experience of managing open space.

A skylark mitigation strategy has been proposed for the adjacent habitat to the site to provide skylark mitigation as skylarks required open areas for breeding. We advise that we welcome this proposal and highlight that if planning permission is granted this agreed via a S106 agreement.

A biodiversity net gain assessment has been submitted and it has assessed that an anticipated net gain of up to 21% for habitats is proposed. The results of the BNG metric is largely based on the proposal to improve the condition of the retained habitats within the site. As detailed above we have concerns that the recreational pressure will not enable the habitats to establish as intended and therefore the resulting in the development not achieving the anticipated net gain.

To enable connectivity across the road culverts/hop-overs and one green bridge is proposed. However we note that the green bridge is within the urban area which doesn't

appear to be the best location to support wildlife connectivity – we would expect it to be located in areas where it links habitat – such as two sections of the country parks. We recommend that a green bridge is created to link sections of the country park. Details of the green bridge must be provided to enable SBC to consider if it is appropriate.

The lighting design principal plans provides details of where there will be avoidance of lighting spill or restrictions on lighting spills – this includes areas directly adjacent to the main road. We query why the lighting plan does not demonstrate that the intention is to minimise light spill within all areas where roads are adjacent to green space – for example the proposed/existing road through the LWS. As the lighting plan will impact the proposed road we advise that SBC will need to be satisfied that restricted lighting within those areas is achievable.

If you have any queries regarding our comments, please do not hesitate to get in touch.

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:
Base Line Ecological Appraisal; June 2021
Ecological Mitigation Strategy; Aspect Ecology; October 2022
Report to Inform HRA; Aspect Ecology

8. Sport and Recreation

The County Council notes that the application states that Green areas are to be used for informal and formal open spaces which may include sport and recreation with associated lighting, all weather pitches, multi use games areas, play spaces, including imaginative play, biodiversity areas, community gardens and allotments.

There is a need and demand for all weather pitches in the area as those in the area are hugely over subscribed and based on school sites. An All weather pitch would be a significant asset to this community. Football Foundation and F.A are working jointly on Local Football Facility Plans (LFFP's) that show their targeted investment over the next 10 years. In Swale they could benefit with a large financial contribution to an all weather pitch as a result.

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