

PLANNING APPLICATIONS COMMITTEE

Wednesday, 27th September, 2023

10.00 am

Council Chamber





AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 27th September, 2023, at 10.00 am
Council Chamber

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, Mrs S Hudson, Mr O Richardson and Mr C Simkins

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 from the meeting on 15 March 2023 (Pages 1 - 22)
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. Item D1 - Retrospective planning application for an 'accessible to all' path around Teston Bridge Country Park, including resurfacing and widening of an existing path linking the river path to the car park and play area, and installation of a new path parallel to the carpark edge linking it to the bridge at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687(KCC/MA/0090/2023) (Pages 23 - 48)
2. Item D2 - Retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022) (Pages 49 - 80)

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 81 - 84)
2. County Council developments (Pages 85 - 92)
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 93 - 94)
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 95 - 96)

F. KCC RESPONSE TO CONSULTATIONS

1. F1 Application TM/23/01418/EASP - Request for an EIA Scoping Opinion at Development Site Land East of Kiln Barn Road and West of Hermitage Lane, Aylesford Kent (Pages 101 - 104)
2. F2 Application 21/02146/AS - Land at Eureka Business Park, Trinity Road, Boughton Aluph, Kent (Pages 105 - 110)
3. F3 Levelling up and Regeneration Bill: Reforms to National Planning Policy Consultation (Pages 111 - 136)
4. F4 Examination (Stage 2) of the Maidstone Borough Council (MBC) Local Plan Review (Pages 137 - 152)
5. F5 Thanington Neighbourhood Plan Consultation (Pages 153 - 168)
6. F6 Application Y19/0257/FH - Otterpool Park Development Ashford Road Sellindge Kent (Pages 169 - 182)
7. F7 Broadstairs & St Peter's Neighbourhood Plan 2nd Edition Reg 16 Consultation (Pages 183 - 192)
8. F8 Winterbourne Fields, Dunkirk Scoping Opinion (Pages 193 - 260)
9. F9 Application TW/23/00086 - Land west of Queen St, Paddock Wood (Pages 261 - 322)
10. F10 Application 23/00091/FULL - Land West of Queen Street, Paddock Wood (Pages 323 - 334)

11. F11 Application 23/00118/HYBRID - Land West of Queen Street, Paddock Wood (Pages 335 - 402)
12. F12 Maidstone Borough Council Gypsy, Traveller and Travelling Showpeople Development Plan Document (Pages 403 - 406)
13. F13 High Halstow Neighbourhood Plan Regulation 16 Consultation (Pages 407 - 426)
14. F14 Arches Chatham Neighbourhood Plan Regulation 16 Consultation (Pages 427 - 434)
15. F15 Capel Parish Neighbourhood Plan Reg 14 Consultation (Pages 435 - 444)
16. F16 Technical Consultation on the Infrastructure Levy (Pages 445 - 474)
17. F17 Environmental Outcomes Report (Pages 475 - 488)
18. F18 Maidstone Design and Sustainability Reg 18 Consultation (Pages 489 - 524)
19. F19 Bridge Neighbourhood Plan Reg 16 Consultation (Pages 525 - 538)
20. F20 District Local Plan - Sustainability Appraisal Consultation (Pages 539 - 540)
21. F21 Aldington and Bonnington Reg 14 Consultation (Pages 541 - 546)
22. F22 Application OL/TH/23/0685 – Land on north-east side of Nash Rd, Margate (Pages 547 - 600)
23. F23 Informal Consultation on the Maidstone Borough Council Town Centre Strategy (Pages 601 - 614)
24. F24 Headcorn Neighbourhood Plan Regulation 14 Consultation (Pages 615 - 622)
25. F25 Fawkham Neighbourhood Plan Regulation 14 Consultation (Pages 623 - 628)
26. F26 - KCC Response to Ashford BC - Pluckley Neighbourhood Plan Review Reg 16 Consultation (Pages 629 - 634)

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, 19 September 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.)

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KENT COUNTY COUNCIL**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 15 March 2023.

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

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

UNRESTRICTED ITEMS**1. Minutes of the meeting on 25 January 2023**

(Item A3)

RESOLVED that the minutes of the meeting held on 25 January were correctly recorded and that they be signed by the Chairman.

2. Site Meetings and Other Meetings

(Item A4)

Members of the Planning Applications Committee had been invited to a site visit in the afternoon of 15 March 2023, to see the improvement works at Junction 5 of the M2/Stockbury roundabout.

A site visit was proposed for Members of the Planning Applications Committee on 19 April 2023 at Simon Langton Girls' Grammar School in Canterbury.

3. General Matters

(Item B1)

Members were advised there was a government consultation on proposals to increase planning fees and which aimed to improve capacity, capability and performance within local planning authorities.

4. 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)

(Item D1)

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

2) Mr Chittenden proposed, Mr Richardson seconded and Members RESOLVED that:

Permission be granted subject to conditions and informatives, 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).*

5. The applicant to be encouraged to explore the potential for planting to the boundary of the site abutting the housing in Spring Lane in consultation with local residents to minimise the visual impact of the fencing.

5. County matter applications

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the meeting on 25 January 2023 relating to:

E1 County matter applications

6. County Council developments

(Item E2)

RESOLVED to note matters dealt with under delegated powers since the meeting on 25 January 2023 relating to:

E2 County Council developments

7. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

(Item E3)

RESOLVED to note matters dealt with under delegated powers since the meeting on 25 January 2023 relating to:

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

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

(Item F1)

RESOLVED to note Kent County Council's response to Planning Application Ref: 20221064 - Land Surrounding Ebbsfleet United Football Club, bounded By Lower Road, Railway Line, Grove Road and The River Thames, Northfleet, Gravesend.

9. Pembury Neighbourhood Plan - Regulation 16 Consultation

(Item F2)

RESOLVED to note Kent County Council's response to Pembury Neighbourhood Plan - Regulation 16 Consultation.

10. Faversham Neighbourhood Plan - Regulation 14 Consultation.

(Item F3)

RESOLVED to note Kent County Council's response to Faversham Neighbourhood Plan - Regulation 14 Consultation.

11. Swanley Neighbourhood Plan - Regulation 14 Consultation

(Item F4)

RESOLVED to note Kent County Council's response to Swanley Neighbourhood Plan - Regulation 14 Consultation.

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

(Item F5)

RESOLVED to note Kent County Council's response to Planning Application Ref: 22/503654/EIOUT - Land to the west of Bobbing, Sittingbourne.

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

(Item F6)

RESOLVED to note Kent County Council's response to Planning Application Ref: 21/503906/EIOUT - Land to the west of Teynham, London Road, Teynham

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

(Item F7)

RESOLVED to note Kent County Council's response to Planning Application Ref: 21/503914/EIOUT - Land to the south & east of Sittingbourne.

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



Ray Deans
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent ME10

BY EMAIL ONLY

**Growth, Environment
& Transport**

Sessions House
MAIDSTONE
Kent ME14 1XQ

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

27 February 2023

Dear Ray,

Re: 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 (Ref: 22/503654/EIOUT)

Thank you for consulting Kent County Council (KCC) on the outline planning application 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.

In summary, and in considering the application as it currently stands, the County Council raises a **holding objection** on the following grounds:

Highways and Transportation: The County Council, as Local Highway Authority, has not been able to fully assess the application due to the sufficient level of detail in the Transport Assessment being absent from the application as currently submitted, including Appendix G Proposed Site Network, traffic modelling, drawings, traffic distribution and Personal Injury Accident (PIA) data.

Public Rights of Way (PRoW): The County Council, as Local Highway Authority, considers that the application provides insufficient detail 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 also concerns public user safety of the highway network, and will have landscape and visual impact.

Waste Management: The County Council, as Waste Disposal Authority, considers that a Waste Assessment must be undertaken to determine the impacts of the proposed development on waste management.

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, considers the process of mineral safeguarding to be incomplete at this stage of the application. The County Council has provided recommendations for the completion of a Minerals Assessment within this response that will need to be submitted before a full land-won mineral safeguarding consideration of the implications of the proposal can be assessed.

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

Highways and Transportation

The County Council has provided the following comments in respect of the Transport Assessment (TA) that has been submitted in support of the proposed application.

The application has been submitted following the engagement with the Local Highway Authority for pre-application advice. Whilst agreement was reached over a number of parameters used in the TA, it should be appreciated that the weight of the advice reduces over time as circumstances change. The communication took place two years before the current application was made, which indicates that some previously agreed aspects would need to be reviewed.

One such aspect is the background to the traffic modelling that has been carried out. The TA does refer frequently to matters of agreement between KCC and the applicant, but the passage of time has resulted in the need to update the submission:

- The traffic impact has been assessed using the 2020 available data from the Swale Highway Model (SHM) Simulation and Assignment of Traffic to Urban Road Networks (SATURN) model that was available at the time of the pre-application advice. The model used in the assessment considered development up to the 2037 Reference Case for the Swale Borough Council Local Plan review, but was superseded in 2021 following different development options being taken forward in the review. The current Local Plan Reference Case is now 2038 with different modelling assumptions, so the submitted TA modelling approach is outdated.

- The methodology of deriving the trips rates to be used in the modelling were previously agreed. However, these were taken from the TRICS database at the time using the version 7.7.1. The current version of TRICS is now 7.9.4 and the rates used in the TA will need to be updated or verified to ensure they are appropriate.

Additionally, the following information has not been provided with the TA in order to verify the assessment or modelling:

- No concise details of traffic distribution associated with the development have been submitted in order to be able to review the data. Census data and route planning assumptions should also be provided to inform the further provision of network flow diagrams. These diagrams need to include the rural roads surrounding the development site.
- Detailed Personal Injury Accident (PIA) data should be obtained to allow a thorough assessment of the road traffic accidents in the study area. The limited information provided by Crashmap is not considered sufficient.
- Drawings confirming the geometric parameters that have been used in the junction capacity modelling are required so that the data input can be verified.
- Appendix G does not contain any information.

It is noted that some of the drawings contained within the TA do not correspond with some of the other details that have been submitted in the application. Of note:

- Appendix D showing the Proposed Development Connectivity Plan does not reflect the movement details shown on the Indicative Master Plan and other drawings.

Given all of the above, KCC is not yet in a position to be able to review the development proposals, and further discussions will need to take place between KCC, National Highways and the applicant to agree the scope of modelling now required before this application is determined. The County Council, as Local Highway Authority, therefore places a holding objection on the application, until further information is provided.

Public Rights of Way (PRoW)

As a general statement, the County Council is keen to ensure that 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 the applicant to achieve the aims contained within the [Rights of Way Improvement Plan](#) (ROWIP) and [Framing Kent's Future](#). Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

KCC recognises that Public Footpaths, ZR107, ZR105, ZR106, ZR104, ZR101, ZU48 and Public Bridleway ZU48A are located within the site and would be directly affected by the

proposed development. The locations of these paths are indicated on the attached map (Appendix 1). The existence of the Rights of Way are a material consideration.

KCC places a holding objection on the application due to insufficient detail provided to fully assess the management and incorporation of the PRow network both during construction and in operation/occupation, particularly given the significant impact on the area over the timescales quoted. The proposed development would impact the existing and surrounding network over a considerable area and considerable period. The County Council response also reflects the cumulative effect on the Borough from this application and development in the wider area at Quinton Road and Grovehurst Avenue. There is a serious omission from the application of an appropriate Active Travel Strategy and there is no mention of two railway crossings which will also be impacted due to increase of use. KCC also notes that reference has not been made to the KCC ROWIP.

In the event that any future permission is granted, the County Council requires that a PRow Management Scheme is provided and secured by a condition to include each PRow affected, to cover pre-construction, construction and completion over the prolonged phasing schedule 2024-2038. All details are to be approved by the County Council, as Local Highway Authority, prior to commencement of any works. The Plans and Drawings provided in this application do not provide enough clarity to ensure that all PRow are shown on the correct alignment, the routes are not correctly referenced and therefore ZU48A is not shown as a Bridleway, but as a Footpath (difference of user rights).

KCC would also require details of a strategy regarding off-site connectivity and how the PRow will exit the site giving permeability throughout the area, onward to transport and to existing community facilities. This is to ensure the opportunities that the network can provide through positive incorporation and early planning are not missed. The County Council would also request that a financial contribution in the form of Section 106 (S106) Agreement funding 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. KCC will draw up estimated costings at the next stage of planning, which are calculated based on the required work to be completed per square metre. This will include new surfacing, surface repair, vegetation clearance and new signage. Significant measures would need to be taken to help mitigate the impact and to future proof sustainable active travel across the wider area of the Borough and into the centre of Sittingbourne. 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.

KCC requires that the applicant takes a holistic approach to the development, considering the PRow network together with the highways strategy proposals to ensure connectivity. There are significant concerns regarding the impact of increased vehicular traffic along surrounding rural lanes, which currently provide valuable connections for equestrians and cyclists travelling between off-road PRow routes. The proposed development could therefore deter public use of the PRow network as vehicular traffic increases along these roads. It is particularly disappointing this has not been addressed within the Transport and Access documents provided. The County Council requires that the PRow network is shown clearly and correctly on all future Masterplans to ensure linkage is optimised.

KCC recognises that Public Footpaths ZR107 and ZR105 both cross the railway immediately to the south of the site. An increase of use from any future development has not been considered within the application and the County Council advises that this would necessitate discussions regarding the safety of these crossings with Network Rail. This may in turn lead to investment in future proofing and improving the crossings, as has happened on developments around the county. KCC would not support any extinguishment due to loss of connectivity.

Environmental Statement - Traffic and Transport

The County Council is disappointed that there is no mention of an Active Travel Strategy, or the PRow affected by the proposed development.

Appendix 4.2 Transport Assessment

Chapter 5. Local & Strategic Sustainable Networks

The County Council notes that the train services from Sittingbourne in paragraph 5.3 are incorrect, and should be revised accordingly. In respect of paragraph 5.9, KCC requires clarification on whether the bus services are correct in light of rural services cuts.

It is recommended that greater opportunities should be taken to provide an improved fully off road/separated route into Sittingbourne, in respect of paragraph 5.12. This route should not use existing highways or be along main highways. It is advised that consultation with Sustrans is undertaken, which is currently auditing all routes for safety improvements.

The County Council recognises that paragraph 5.17 includes multiple reference to existing roadside footways. A development of this scale should provide separate off road pedestrian routes to Sittingbourne and local facilities. KCC is also disappointed with the proposals to reduce traffic speed and have further crossings, as these are not considered to be sufficient.

The list of PRow in paragraph 5.23 is incorrect, and this should therefore be amended accordingly. KCC also recognises that there is no mention of any opportunities that the PRow network can provide for connectivity on and off site, which should be included in the TA.

Chapter 7. Sustainable Access Strategy

KCC advises that reference should be made to the PRow network and opportunities both from existing routes or improvement/upgrades in this section. There is also no mention of the PRow network within the details of the Travel Plan or Construction Management Plan, which is essential given the prolonged timescale of delivery if permission is to be granted.

The County Council is disappointed with the lack of reference to KCC ROWIP within the TA, and that minimal consideration has been given to create real modal shift. The County Council would therefore ask that this is addressed.

Environmental Statement Non-Technical Summary

- Figure 4 Land Use Parameter Plan – there is no inclusion of PRoW within the figure, so the County Council is unable to reference the existing PRoW within the context of the site.
- Access and Movement – there is no mention of PRoW routes and opportunities, and there is a lack of detail.
- Figure 7 Access and Movement Parameter Plan – there is a lack of precision of routes which are not referenced, new pedestrian/cycle routes do not appear to be joined up to existing routes and KCC queries diagonal routes through the centre of the site. New routes are shown parallel to existing PRoW routes, which would therefore double up rather than improve, upgrade and enhance what exists.
- There is very limited active travel access on and off the site, and there is no offroad provision for this. The pressure on the main site access from vehicle use together with the current use of the surrounding road network will give rise to safety concerns for pedestrian and cycle use. A far-reaching strategy for active travel should be a major part of this application.
- Traffic and Transport – KCC fundamentally disagrees with the statement that the *“development will not result in significant effects on highway safety, pedestrians or cyclists in Bobbing, Sittingbourne and surrounding area”*. Development of this size would have a significant effect on Non-Motorised Users (NMU) in the surrounding parishes and Sittingbourne. Increase of vehicle use leads to more use of rural lanes and therefore conflict with pedestrians, cyclists and equestrians. The County Council would therefore ask that this statement be removed or amended. Due to other large-scale development in the immediate area, and indeed on the Isle of Sheppey, all contributing to the use of the surrounding highway network, this application has to be viewed in relation to the cumulative impact. Traffic calming to under 30mph will not be sufficient mitigation to ensure pedestrian and cyclist safety; it requires serious investment in active travel links and investment in the existing PRoW network to upgrade and improve to achieve high-quality future-proof connectivity. This should all be considered before the application is determined.
- Construction Environmental Management Plan (CEMP) – this must include the PRoW network affected for on-site management during construction. The proposed hours of 07:00-18:00 and 07:00-13:00 would have significant impact on PRoW user amenity. The County Council notes that the impact of Noise and Air Quality on PRoW users should be acknowledged.
- Landscape and Visual Effect – this will be significant on the PRoW network during both construction and operation, within the site and the surrounding wider area (to the north and also the England Coast Path National Trail). Landscape planting as mitigation is not sufficient due to the timescale of maturing and by the 10-15 years timescale, the impact is not alleviated. The timelines quoted do not take into account the time of construction applying to all phasing of the total site. This therefore underplays the significant of the impact over a prolonged period of time. These should therefore be amended before the application is determined.
- In the event of any permission granted, active travel access would be 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 and enhancement of the local area rural character, which should be amended before the application is determined.

Summary

The County Council places a holding objection on this application due to the following points, by reason of conflict of use, pedestrian safety and impact on landscape:

- Lack of detail provided to respond as KCC would wish
- Lack of consideration of full impact on PRow network
- Lack of sustainable and appropriate active travel strategy
- Increase of pressure on NMU use on rural lanes and highway network
- Local cumulative effect
- Omission of issue of rail crossings pedestrian safety

Development Investment

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and considers 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 Appendices 2a-2e.

Request Summary

	Per applicable ¹ house (x1750 of applicable houses)	Per applicable flat (x500 of applicable flats)	Total	Project
Primary Education	£6,800	£1,700	£12,750,000.00	Towards the construction costs of a new on site primary school
Primary Education Land	£2,026.22	£506.56		A 3Ha site to be provided within the application site for primary land
Special Education Needs	£559.83	£139.96	£1,049,682.50	Towards additional SEN provision within Swale
Secondary Education	£5,176	£1,294	£9,705,000.00	Towards a new secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne non-selective and Sittingbourne and Sheppey Selective planning groups
Secondary Education Land	£2,635.73	£658.93	£4,942,000.00	Towards a new secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne non-selective and Sittingbourne and Sheppey Selective planning groups

	Per Dwelling (2,500)	Total	Project
Community Learning	£16.42 ²	£41,050.00	Contributions requested towards additional equipment and classes at Sittingbourne Adult Education Centre and outreach provision to increase capacity in the service.
Youth Service	£65.50	£163,750.00	Contributions requested towards additional equipment and resources for the Youth Service to provide outreach services in the vicinity of the development.
Library Service	£55.45	£138,625.00	Contributions requested towards additional services, resources, and stock at Sittingbourne Library or any other serving the development.

¹ 'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. The County Council requires confirmation that there are 250 x1 bed units proposed below this threshold.

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.

Social Care	£146.88	£367,200.00	Towards Specialist care accommodation, assistive technology, and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough.
	All Homes built as Wheelchair Accessible and Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£129.20	£323,000.00	Towards expansion of Sittingbourne or Sheppey Waste Transfer Station
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>		

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 2a-2e.

Education

KCC is the Statutory Authority for education and is the Strategic Commissioner of Education Provision.

Primary Education

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 2b. KCC notes that this assessment has been completed on the basis of an indicative housing mix of 10% unapplicable flats, 20 applicable flats and 70% applicable houses due to a lack of detail within the application.

The proposal gives rise to additional 525 primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the delivery of the proposed 3 Forms of Entry (FE) Primary School within the application site.

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.

Build Contribution

The County Council requires a financial contribution towards the construction of the new school within the application site of £6,800 per 'applicable'³ house and £1,700 per 'applicable' flat.

³ 'Applicable' means: all dwellings except 1 bed of less than 56sqm GIA. The County Council requires confirmation that the 10% x 1 bed flats proposed are below this threshold.

Land Contribution

Applicant's Proposal – Primary School Site/Indicative Locations/Phasing

Whilst the application is showing a primary school site, the site size demonstrated is inadequate. The number of new pupils created will require a new school of 3 Forms of Entry as proposed, however, the required site size for a 3FE is 3Ha. The Masterplan and supporting documentation is showing only 1.455Ha, which is significantly below standards and not acceptable to the County Council.

It would appear from a desktop evaluation that the site is clear of PRow and flood zones, however, KCC will require the four corner point co-ordinates of the proposed school site to enable a site visit to confirm the site's suitability. The applicant's attention is drawn to KCC's General Transfer Terms (Appendix 2f), for which the proposed site will need to be in accordance and provided to the County Council at no cost.

Anticipated Phasing of School Builds

The applicant has proposed that the school site would be delivered prior to the completion of Phase 2 at occupancy of 460 dwellings. Given the lead in time for construction, KCC would wish for the site to become available and accessible to the authority at a time considerably earlier. 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 is available.

The primary and secondary school sites must 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 residential areas and development in the locality.

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

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

Special Education Needs provision

The Children's and Families Act 2014 and accompanying Code of Practice sets out the system for children and young people with special educational needs and disability (SEND) aged 0-25 years. KCC's SEND Strategy sets out its vision and priorities in respect of this area of its service.

The number of children and young people with SEND in Kent is 13.4% of the total school population (January 2019). The majority are educated in mainstream school environments. However, children with more complex needs are supported through an Education, Health and Care Plan (EHCP) which sets out the provision they are entitled to. 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 development proposal will give rise to additional pupils with Education and Health Care Plans (EHCPs), requiring extra support through specialist SEN provision. This new demand will need to be met through a new SEN School and Specialist Resource Provision (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 it is 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 2b.

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 an additional 375 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 proposed new Secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne non-selective and Sittingbourne and Sheppey selective planning groups and will be provided and delivered in accordance with the timetable and phasing of the Local Planning Authority's Infrastructure Delivery Plan, where available.

The County Council, therefore, requires a financial contribution towards the new Secondary School to provide additional accommodation at £5,176.00 per 'applicable' house and £1294.00 per 'applicable'⁴ flat.

⁴ 'Applicable' excludes: all 1 bed units of less than 56sqm GIA

Land Acquisition Costs

The County Council requires the securing of provision of a new Secondary School site serving this development along with proportionate contributions towards the Secondary School land acquisition cost at £2635.73 per 'applicable' house and £658.93 per 'applicable' flat.

The site acquisition cost is based upon current local land prices and any S106 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 where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

The new secondary school places will be provided through the new Secondary School serving this development and will be delivered in accordance with the timetable and phasing of the Local Planning Authority's Infrastructure Delivery Plan, where available.

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

KCC provides community learning facilities and services for further education in line with KCC policies as set out in [Framing Kent's Future](#). Community Learning and Skills (CLS) as a service 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 2c, 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, 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, KCC 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 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, 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 Sittingbourne, 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 2d.

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 2d) towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and [Changing Places](#) locally in the Borough.
- The Department for Levelling Up, Housing and Communities identified in June 2019 guidance '*Housing for older and disabled people*', 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 occupants' 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' homes. As such, KCC recommends that the applicant works with KCC Adult Social Care Services to develop the most appropriate form of care delivery before this application is determined.

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 Care Services to develop the most appropriate forms of care delivery.

Waste

KCC, as the Waste Disposal Authority, operates a network of 19 Household Recycling Centres (HWRCs) and five co-located Waste Transfer Stations (WTSs) and demand on these sites is at unprecedented levels. In Swale, KCC operates three HWRCs; Sittingbourne, Faversham and Sheerness. The Sittingbourne HWRC is co-located at the Sittingbourne WTS where kerbside collected waste from the whole of Swale District is taken.

KCC as Waste Disposal Authority states that as a result of additional demand generated by housing growth, this will result in a requirement to build more, larger sites or invest in the maintenance or repair of existing HWRCs and WTSs. The addition of 2500 new homes from this development will place additional demand on the waste facilities in Swale. As a result, there is a requirement for additional capacity to be provided at the Sittingbourne HWRC and WTS.

Additional capacity at Sittingbourne can only be met through the re-purposing of the site for WTS only with a need to re-locate the HWRC facility elsewhere. This application falls outside of the planned growth for the District and is of suitable size and land use to provide a suitable alternative location for the HWRC. KCC Waste will therefore require this application to provide suitable land of between 1 and 1.5ha dependent on the necessity and extent of any landscape barriers. Any chosen site must have suitable accessibility from the major highway network.

A contribution for HWRC will be requested by way of land provision at nil consideration with an additional financial contribution of £129.20 per household towards the extension and/or

upgrading of the existing WTS at Sittingbourne, to mitigate the impact arising from this development.

Despite the application being for a significant number of residential dwellings, which will impact upon KCC's waste infrastructure, Waste Management is not included in the Environmental Statement. Looking at the documents available online through the planning portal, the Scoping Opinion report scoped out Waste Management back in 2020, stating there would not be any significant operational effects. Waste Management disagree with this and request that the impact upon Waste Management is assessed.

The County Council therefore raises a holding objection on the proposed development, and defers providing further comment until the Waste Assessment has been undertaken.

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 be grateful if a draft copy of any S106 Agreement or Unilateral Undertaking could be shared at the earliest convenience, prior to its finalisation.

The County Council requests confirmation for when this application will be considered and would also request that KCC 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 Minerals and Waste Planning Authority, recognises that the applicant has produced an 'Outline Mineral Assessment' (MA) prepared by RPS, given the presence of a safeguarded mineral deposit on the site. This safeguarded mineral deposit is 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):

6.1.5 In accordance with the Mineral and Waste Safeguarding SPD we therefore recommend that an intrusive investigation is undertaken on the site to characterise

Brickearth mineral reserves thereon. These works will establish the extent (vertical and lateral) of the reserves on the Site and their quality.

6.1.6 In advance of any intrusive works we recommend that direct dialogue is opened with Wienerberger Ltd (Rick Fleet) to determine:

- ***The presence of a market for new reserves of Brickearth should they be present on the Site;***
 - ***The likely commercial value of the Brickearth mineral reserves;***
 - ***The likely timetable for prior extraction should a market exist;***
 - ***Quality criteria for Brickearth mineral reserves; and***
 - ***Their interest and potential scope involvement in the process of resource characterisation on the Site.***

6.1.7 Subject to the outcome of intrusive works, further consideration of the following is required:

- ***The implication of prior extraction on development viability in terms of timescales, site drainage and cut/fill balance; and***
- ***The potential for prior extraction, possibly focussed on the northern land parcel.***

Essentially, the process of mineral safeguarding is incomplete at this stage of the application. The recommendations of the MA above will need to be completed before the application is determined and before a full land-won mineral safeguarding consideration of the implications of the proposal can be assessed.

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 satisfactorily.

Sustainable Urban Drainage Systems (SuDS)

The County Council, as Lead Local Flood Authority, provided comments direct to Swale Borough Council on 5th January 2023 (Appendix 3).

Heritage Conservation

Heritage Conservation comments will be provided directly to Swale Borough Council in due course.

Biodiversity

Ecological Surveys

The County Council acknowledges that the ecological surveys have confirmed that the following have been recorded on site:

- At least 4 species of foraging / commuting bats,
- At least 52 species of birds during the breeding bird surveys (including hobby, Skylark and linnet)
- At least 46 species of bird during the wintering bird surveys
- GCN
- Dormouse
- Common lizard and slow worms
- Area of Ancient Woodland within the site.

The surveys provide a good understanding of the ecological interest of the site, however, as the surveys are two years old, KCC would have expected a minimum of a walk over survey to be carried out prior to submission, to assess if the survey conclusions were still valid. The County Council would therefore ask that this is provided.

The report has detailed that the ecological mitigation will be carried out within the site and the Parameter Plans do demonstrate that there will be green space created within the site. However, the proposal is for at least 2500 dwellings and, therefore, there will be a significant recreational pressure within the site. It has therefore not been clearly demonstrated that the proposed mitigation can be achieved and maintained long term. The proposal will result in a significant increase in lighting and this is likely to have a negative impact on the nocturnal species within the site and this impact needs to be considered before the application is determined.

KCC recognises that no information has been provided demonstrating how off-site mitigation for skylarks (a ground nesting birds) will be implemented. The surveys recorded at least 10 pairs of skylarks within the site and it is understood that there will be no suitable habitat for skylark in the proposed development and this needs to be addressed before the application is determined.

A Biodiversity Net Gain (BNG) report has been submitted and it has detailed that an anticipated BNG of 10% will be achieved. This has been achieved largely because it is considered that all 27ha of neutral grassland will achieve moderate condition. As the Parameter Plans show some areas of grassland as thin strips and will be impacted by recreation, the County Council queries if this is achievable across the whole site. It is therefore likely that the proposal will achieve less than 10%. This needs to be addressed before the application is determined.

Designated Sites

The proposal has confirmed that the development will contribute to the Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate recreational pressure to the Swale and Medway estuary and Marshes Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI).

However, the submitted information has highlighted that the operational discharge from the site in the form of surface water runoff from roads has the potential to decrease water quality within the Swale Estuary and Marshes SSSI, SPA and Ramsar, given the connectivity to

them. It has stated that a comprehensive surface water management scheme, utilising SuDS has been developed and will be implemented to ensure that any pollution is prevented from leaving the site. It can therefore be concluded that in relation to operational water quality, the impact would be no change, resulting in a non-significant effect. The County Council would also highlight that Swale Borough Council must be satisfied that it is achievable.

The County Council will continue to work closely with Swale 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 Swale 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: Extract of the Network Map

Appendix 2a: New School Land Costs

Appendix 2b: Education Assessment

Appendix 2c: Communities Assessment

Appendix 2d: Social Care Assessment

Appendix 2e: Waste Assessment

Appendix 2f: KCC General Transfer Terms November 2022

Appendix 3: Lead Local Flood Authority commentary – provided direct to the LPA on 05.01.2023

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

Retrospective planning application for an ‘accessible to all’ path around Teston Bridge Country Park, including resurfacing and widening of an existing path linking the river path to the carpark and play area, and installation of a new path parallel to the carpark edge linking it to the bridge at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

A report by Head of Planning Applications Group to Planning Applications Committee on 27 September 2023.

Application by Kent County Council Country Parks for retrospective planning approval for an ‘accessible to all’ path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023).

Recommendation: Permission be granted.

Local Member: Mr Simon Webb

Classification: Unrestricted

Site

1. Teston Bridge Country Park is one of Kent County Council’s Country Parks and is located in the village of Teston in the west of the Maidstone Borough. The country park is situated to the south of the A26 Tonbridge Road between the rail line to the northwest, and the River Medway to the southeast, and is accessed just south of the rail line crossing via the B2163 Teston Lane to the north.
2. The site covers an area of approximately 32 acres which is comprised of three meadows; Bridge Meadow to the north-east which is used as a picnic area, and Tutsham Meadow and Coombe Hill to the southwest which are used for cattle grazing. The entirety of the site falls within the ‘Medway Valley Landscape of Local Value’ (as identified in the Maidstone Borough Local Plan) and is designated as a Local Wildlife Site. The site is also within Flood Zone 3 (an area with a high probability of flooding). The site falls outside of the urban settlement boundary within the Maidstone Borough Local Plan 2017 and can therefore be considered as being in the countryside. Teston Lock sits to the east of the site and the historic Teston Bridge spans the river Medway in the north-east corner which is a Scheduled Ancient Monument and a Grade I Listed Building. The site has several walking routes throughout, including the Medway Valley Walk Footpath which runs along the River Medway surrounding the east and south of the site which is a Public Right of Way.

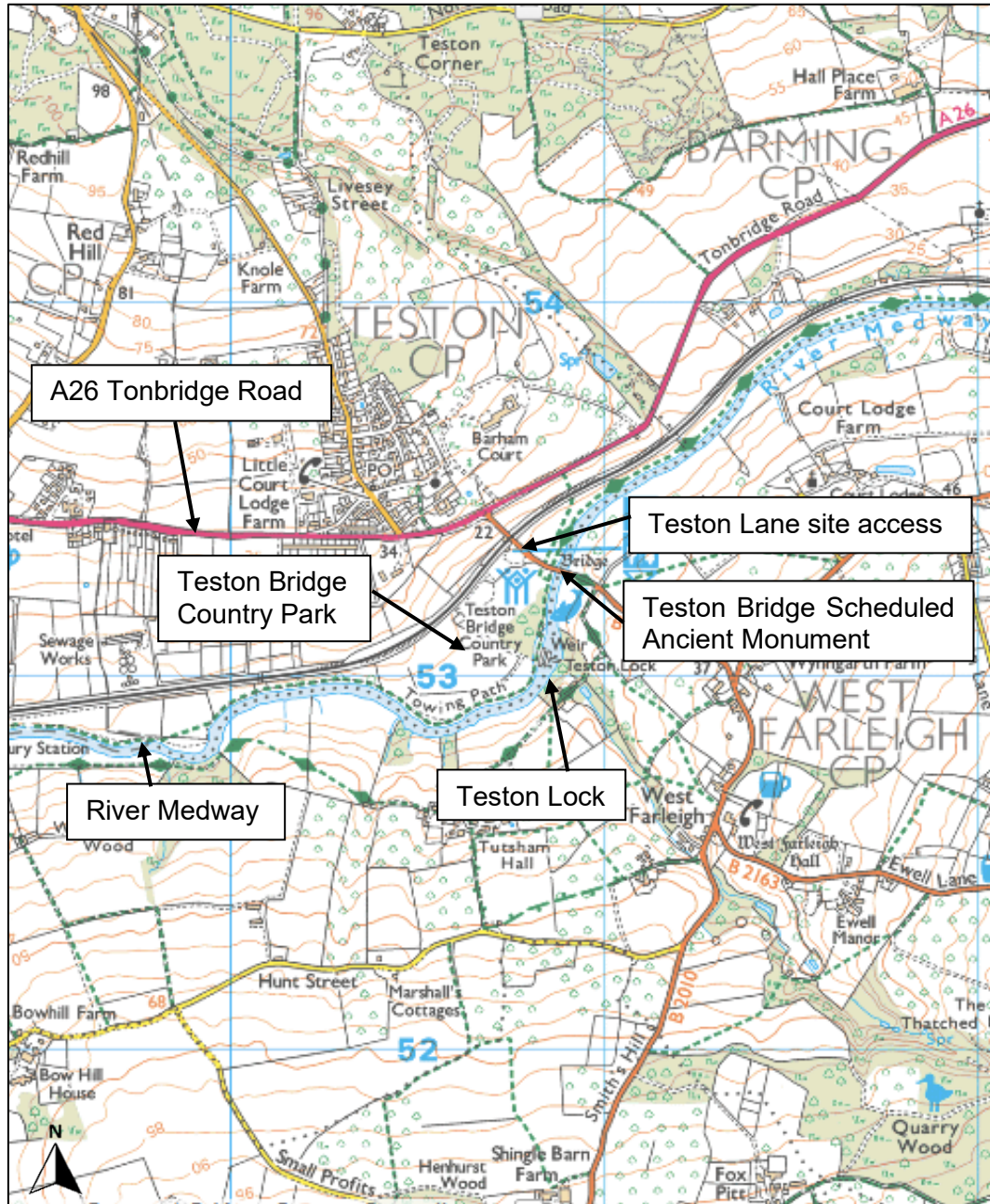
Item D1

Retrospective planning application for an 'accessible to all' path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

3. The country park comprises an existing main carpark, overflow carpark, play area and amenity block to the north of the site, which provides visitor facilities including public toilets along with a mobile catering unit which provides food and drink facilities. The country park is used by members of the public for out-door activities including dog walking, fishing and picnicking.
4. A site location plan is attached.

Retrospective planning application for an ‘accessible to all’ path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

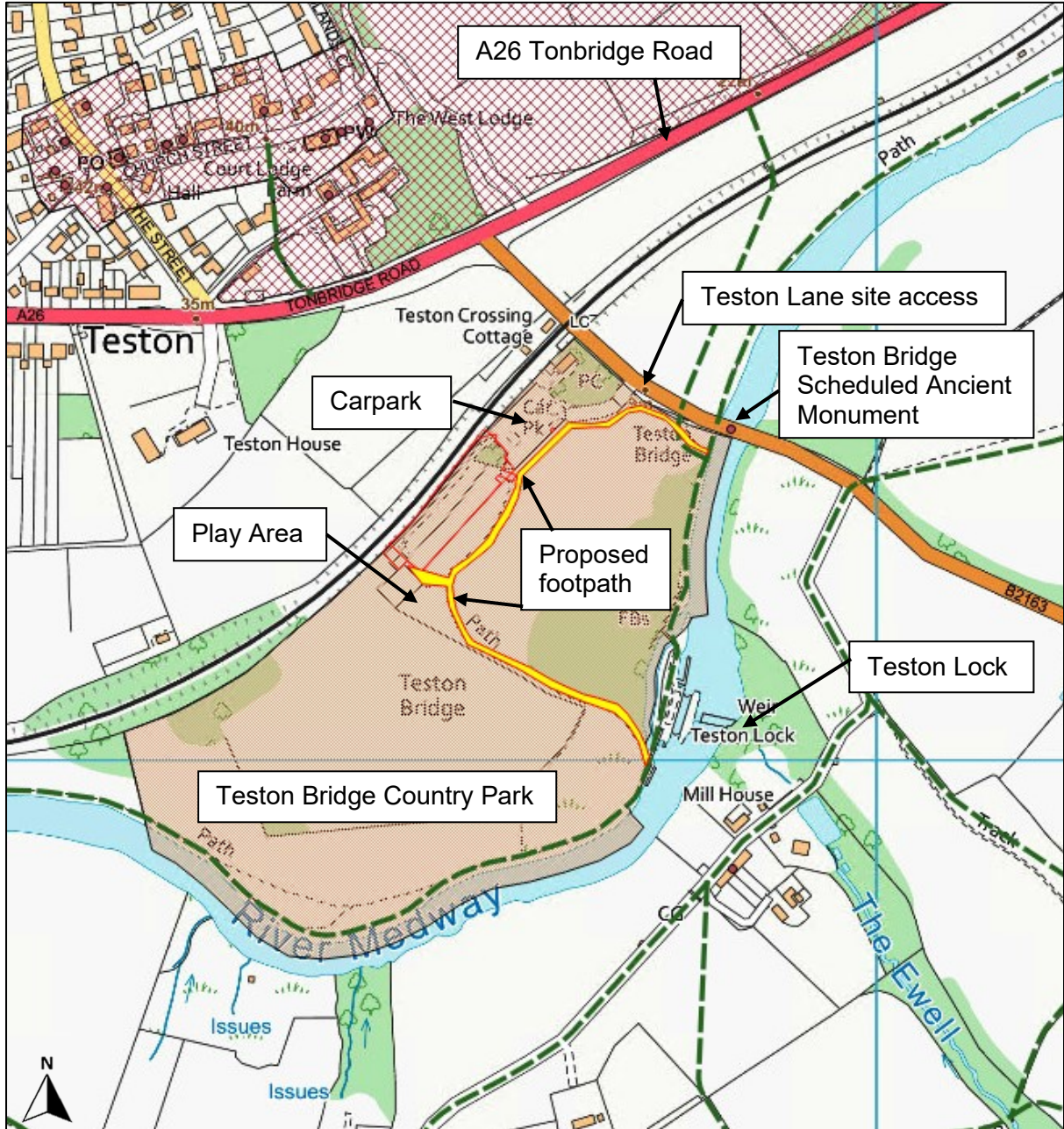
General Location Plan







Item D1

Retrospective planning application for an 'accessible to all' path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

Site Location Plan

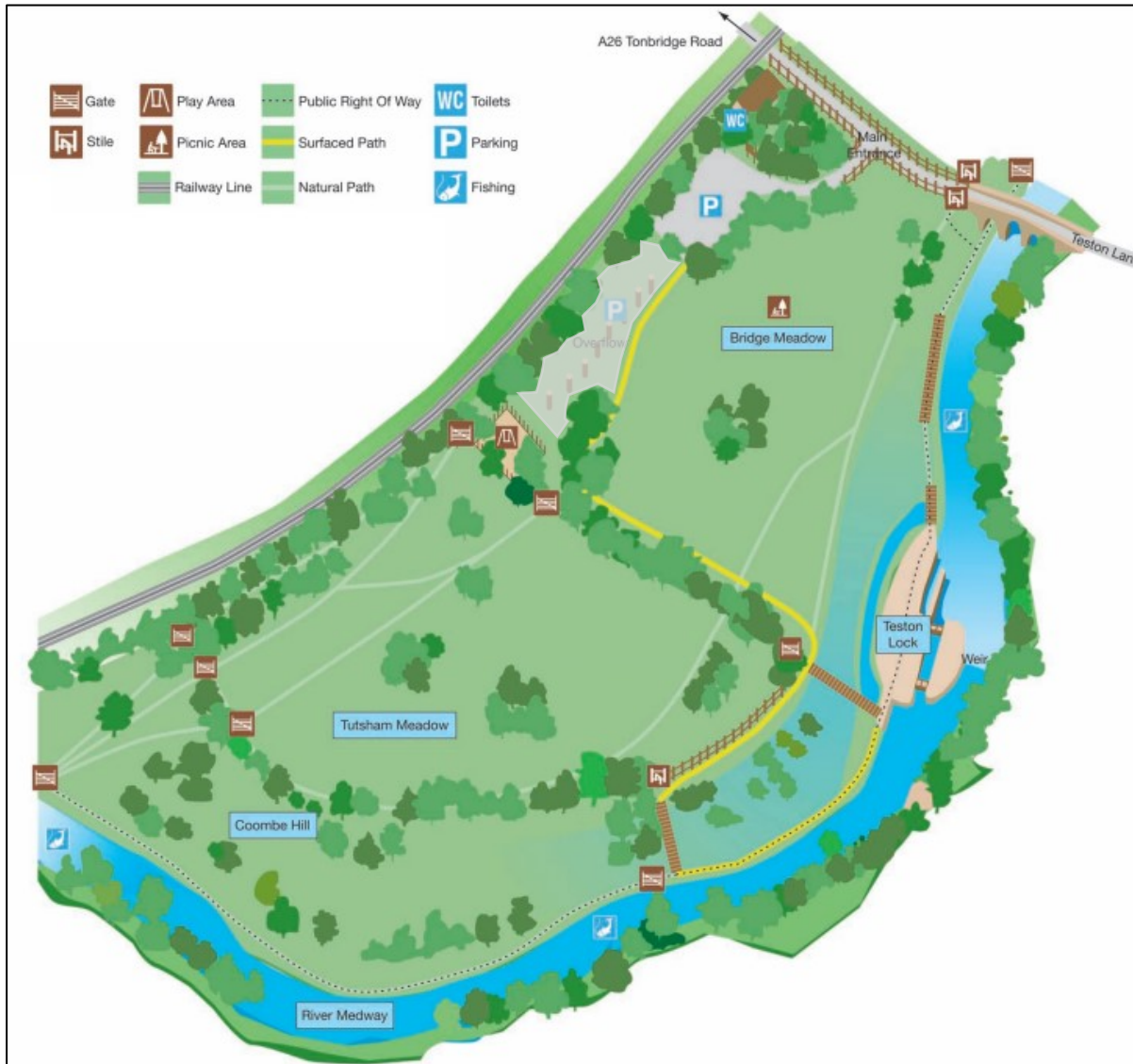


-  Listed Buildings
-  Conservation Area
-  Public Right of Way (PROW)
-  Local Wildlife Site (LWS)

Item D1

Retrospective planning application for an 'accessible to all' path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

Country Park Layout Plan - KCC Kent Country Parks



Retrospective planning application for an ‘accessible to all’ path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

Recent Planning History

5. The country park was previously an area used for grazing livestock. Kent County Council has owned the park since 1970 and it was opened as a country park to the public in 1978, with two of the meadows continuing to be grazed as part of site management.
6. The most relevant recent site planning history is listed below:

MA/22/503881 Retrospective planning permission for engineering works related to the resurfacing of the overflow car park
See Item D2

MA/09/594 Mobile catering unit to be parked daily between 09:00 hours and 18:00 hours
Granted with conditions 16 July 2012
7. There have also been two applications made to Maidstone Borough Council by the operator of the car park ticketing system; MA/18/500774 for the Erection of a 4-metre-high column with Automatic Number Plate Recognition (ANPR) Camera and MA/18/500775/ADV for an Advertisement Consent for 10 Non-Illuminated Pole mounted signs directing users of the country park to pay and display for parking.
8. It is also of note that the Environment Agency (EA) have installed a crane pad to the east of the country park, adjacent to Teston Lock, as well as a surfaced crane access route directly across the meadow from the car park to the crane pad. This is to enable EA works to be undertaken in relation to the lock and sluice and are temporary for the access of machinery and siting of the crane in order to implement the works. It is understood that both the crane pad and crane access route will be removed from the country park and the amenity grassland reinstated once the EA works are complete. As the EA is the Applicant for these works, Maidstone Borough Council is the appropriate planning authority as opposed to the County Planning Authority.

Proposal

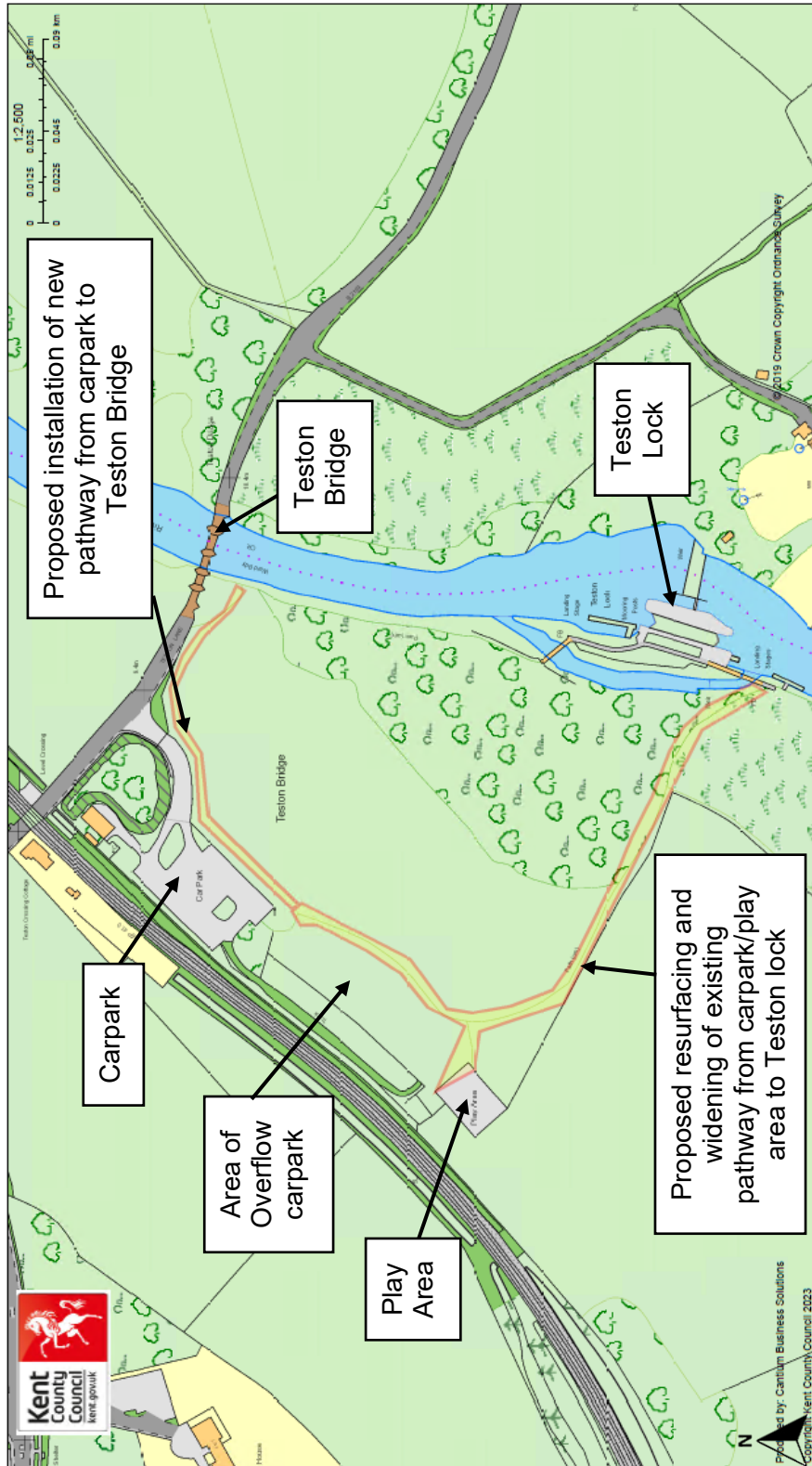
9. This application seeks retrospective planning permission for an ‘accessible to all’ path around Teston Bridge Country Park providing a surfaced circular route around the park for year-round access. The accessible surfaced pathway links the carpark and play area with both Teston Bridge and Teston Lock, and linking with the Public Right of Way that is surfaced along the riverbank to create a circular and accessible pathway route around the country park.
10. As shown on the Country Park Layout Plan above, the country park previously had a surfaced path around part of the site, and this application seeks to create this into a circular surfaced route around the main amenity meadow (Bridge Meadow), linking with the riverbank Public Right of Way, to provide year-round access for all.

Retrospective planning application for an 'accessible to all' path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

11. This application seeks retrospective approval for the resurfacing and widening of a 332 metre long and 1.4 metre wide existing pathway that connects the carpark at the north of the site to the play area to the northwest and leading to Teston Lock on the River Medway in the west. The pathway runs from the main carpark, adjacent to the overflow carpark, to the play area, before following the natural tree boundary line of the main amenity meadow (Bridge Meadow) in a southeastern direction towards the River Medway. This pathway provides a direct link from the carpark and play area to Teston Lock on the River Medway and joining with the Public Right of Way. This section of pathway was previously 1.4 metres wide and consisted of the same materials as now proposed, along with a small section of boardwalk to the southeastern edge of the meadow leading to Teston Lock. This application seeks the retrospective approval of the resurfacing and widening of the pathway to 2 metres wide to meet accessibility requirements, including the removal of the boardwalk and replacement with a pathway over a culvert allowing continued waterflow.
12. This application also seeks retrospective approval for the installation of a 140 metre long and 2 metre wide new pathway from the carpark to Teston Bridge along the northern boundary of the country park. This follows the natural desire line from the main carpark to Teston Bridge along the northern boundary of the main amenity meadow (Bridge Meadow) and connecting with the Public Right of Way that runs along the River Medway in the northeastern corner of the site. This route was previously amenity grassland and frequently used by visitors of the country park to access the Public Right of Way adjacent to Teston Bridge. However, the previously unsurfaced path did not provide an accessible surfaced pathway for year-round access.
13. The resurfacing and widening of the existing pathway, along with the installation of the new pathway, provides a direct link from the facilities in the north of the site around the main amenity meadow with both the northern end of the Public Right of Way, adjacent to Teston Bridge, as well as the southern end of the Public Right of Way adjacent to Teston Lock. Therefore, creating a surfaced and accessible circular walk around Teston Bridge Country Park all year round. The works did not involve the removal of any trees, shrubs or vegetation, and only impacted upon frequently mown amenity grassland around the edges of the main amenity meadow (Bridge Meadow).
14. The accessible to all pathway is surfaced with granite type 1 subbase topped with 6mm to dust granite finings, and a geotextile membrane between the soil and stone. The pathways are edged with pressure treated timber, with a width of 2 metres from the inside edging boards, along with a slight camber to enable drainage. The excavated soil was spread in the adjacent wooded area on site.
15. The pathways are 2 metres wide in order to meet the requirements of the Equalities Act 2010, with the 2-metre width of the pathway enabling a wheelchair to turn 180 degrees and enabling a pedestrian to pass a wheelchair safely. The works would facilitate access to the countryside for all.

Retrospective planning application for an 'accessible to all' path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

Proposed Pathway



Retrospective planning application for an 'accessible to all' path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

Aerial Photo



* Resurfacing the subject of separate planning application - see D2

Item D1

Retrospective planning application for an 'accessible to all' path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

Aerial Photo with Temporary EA crane pad and access route



Item D1

Retrospective planning application for an 'accessible to all' path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

Resurfacing and widening of existing pathway from carpark/play area to Teston Lock

Photo from play area at the west of Teston Bridge Country Park looking east towards the River Medway and Teston Lock



Photo from play area at the west of Teston Bridge Country Park looking southeast towards the River Medway and Teston Lock



Item D1

Retrospective planning application for an ‘accessible to all’ path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

New pathway from carpark to Teston Bridge

Photo from carpark at the north of Teston Bridge Country Park looking east towards Teston Bridge



Photo from Teston Bridge looking west towards carpark



Retrospective planning application for an ‘accessible to all’ path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

Planning Policy

16. The most relevant Government Guidance and Development Plan Policies in respect of this application are summarised below:

- (i) **The National Planning Policy Framework (NPPF) September 2023** and **The National Planning Policy Guidance** (March 2014), sets out the Government’s planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to policies in the NPPF, the greater weight that they 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:

- Providing accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being (paragraph 8);
- Achieving healthy, inclusive and safe places which are safe and accessible and encourage active and continual use of public areas and enable and support healthy lifestyles (paragraph 92);
- Provide social, recreational and cultural facilities the community needs (paragraph 93);
- Provide access to a network of high-quality open spaces and opportunities for sport and physical activity for the health and well-being of communities (paragraph 98);
- Achieving the requirement for high quality design, creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130);
- Contributing to and enhancing the natural and local environment by protecting and enhancing sites of biodiversity (paragraph 174); and
- Consideration of the impact of a proposed development on a designated heritage asset, giving great weight to the asset’s conservation (paragraph 199).

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(ii) **Maidstone Borough Local Plan (adopted October 2017)**

Policy SS1 Maidstone Borough Spatial Strategy - Open spaces, rivers and watercourses and landscapes of local value will be conserved and enhanced.

Policy SP17 The Countryside - Development proposals within landscapes of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

Policy SP18 The Historic Environment - The characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced through encouraging and supporting measures that secure the sensitive enjoyment, conservation and/or enhancement of heritage assets.

Policy DM1 Principles of Good Design - Proposals would be permitted where they create designs and layouts that are accessible to all, respond positively to, and where possible enhance, the local, natural or historic character of the area, create high quality public realm, provide a high quality design which responds to areas of landscape value, protect and enhance biodiversity features, avoid inappropriate new development within areas at risk from flooding and provide adequate vehicular parking.

Policy DM3 Natural Environment - Proposals should protect positive landscape character and avoid damage to locally designated sites of importance for biodiversity. For locally designated sites (including draft published sites), development likely to have an adverse effect will be permitted only where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site.

Policy DM4 Development affecting designated and non-designated heritage assets - New development affecting a heritage asset must incorporate measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.

Policy DM19 Open Space and Recreation - Open spaces should where appropriate, provide interest and activities for a wide range of users in particular meeting the needs of elderly and less able users as well as children, young people and families. Importance of high quality, publicly accessible open space can bring about opportunities for promoting social interaction and inclusion in communities.

Policy DM20 Community Facilities - Seeks to provide adequate provision of community facilities in order to build well functioning, sustainable communities and emphasises the importance of creating healthy and inclusive communities with appropriate facilities.

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Policy DM30 Design principles in the countryside - Proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted where the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features and impacts on the appearance and character of the landscape would be appropriately mitigated.

Maidstone Borough Council Local Plan Review - Regulation 19 Draft Plan for Submission Document - October 2021

This is a review of the 2017 Local Plan. It is not yet adopted but was submitted to the Planning Inspector for examination in March 2022. The policies within the review of the Local Plan should be given greater weight the closer it gets to adoption, and it is noted that the Inspector’s Report is awaited. The relevant policies are:

Policy LPRSS1 Maidstone Borough Spatial Strategy 2022-2037 - Open spaces, rivers and watercourses and landscapes of local value will be conserved and enhanced.

Policy LPRSP8: Smaller Villages - Local community facilities shall be retained and supported, and the scale of development should be proportionate to the size, type and level of local services available.

Policy LPRSP9 Development within the Countryside - Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the rural character and appearance of the area.

Policy LPRSP14(A) Natural Environment - Proposals should protect positive landscape character and avoid damage to locally designated sites of importance for biodiversity. For locally designated sites (including draft published sites), development likely to have an adverse effect will be permitted only where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site.

Policy LPRSP14(B) The Historic Environment - New development affecting a heritage asset must incorporate measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.

Policy LPRSP15 Principles of Good Design - Proposals would be permitted where they create designs and layouts that are accessible to all, respond positively to, and where possible enhance, the local, natural or historic character of the area, create high quality public realm, provide a high-quality design which responds to areas of landscape value, protect and enhance biodiversity features, and provide adequate vehicular parking.

Policy LPRINF1 Publicly Accessible Open Space and Recreation - Open spaces should be designed to encourage physical activity to improve mental wellbeing and

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health inequalities, and where appropriate provide interest and activities for a wide range of users in particular meeting the needs of elderly and less able users as well as children, young people and families, and connect with local routes.

Policy LPRINF2 Community Facilities - Seeks to ensure adequate accessibility to community facilities, including social, educational and other facilities to assist in building well-functioning sustainable communities.

Policy LPRQ&D 4 Design Principles in the Countryside - The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.

Consultations

17. **Maidstone Borough Council** raise no objection to the proposal and request that the comments from Teston Parish Council are taken into account prior to the determination.

Teston Parish Council object to the proposal due to over urbanisation and cumulative effect of substantial development at the country park causing visual impact to the detriment of the surrounding landscape features and the setting of Teston Bridge. 140m of new path and 332m of widened path will replace just under 500sq.metres of grass; that is, approaching another 0.5% of total land area. They request that development intrusions are brought under control and should the KCC Planning Applications Committee be minded to approve this retrospective application, request that it minutes a formal censure of the Country Parks Team with a clear statement that no more changes will be permitted to the Country Park facilities without formal consultation with Teston Parish Council before any such changes are committed, funded or initiated.

Environment Agency have no comments to make on the application.

KCC Highways and Transportation raise no objection.

KCC Biodiversity raise no objection and advise that they would have been unlikely to request ecological information to be submitted as part of the application as it appears that the path was largely established within short regularly mown area of grassland. They advise that they would have recommended that any long grass/scrub was cleared using a precautionary approach to ensure protected/notable species were not impacted. The Officer sets out that the site is a country park and areas are managed to provide habitats which benefit biodiversity and therefore are satisfied that no enhancement measures are required.

KCC Conservation Officer raise no objection to the application.

KCC Sustainable Drainage initially requested additional information due to no water drainage strategy being provided as part of the application. Following receipt of further information no objection is raised as the proposal is regarded as low risk.

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KCC Public Rights of Way raise no objection and that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority.

Historic England state they have no comments to make, they defer to the advice of KCC Conservation officers. See above.

Upper Medway Internal Drainage Board raise no objection.

Local Member

18. The local County Member for Maidstone Rural West, Mr Simon Webb, was notified of the application on 6 June 2023. No comments have been received to date.

Publicity

19. The application was publicised by the posting of a 4 site notices throughout the Country Park, including at the main vehicular access from the public highway at the Country Park entrance, next to the Country Park notice board, near to the play area and on the Public Right of Way post. A press notice was also published in the local newspaper on 15 June 2023.

Representations

20. No representations were received on the application from members of the public.

Discussion

21. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph 16 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case relate to the need and justification for the development, and the associated impacts arising from the works in terms of the siting, scale and design, visual impact and impact on the landscape character, flood risk, heritage and biodiversity.
22. The planning application has attracted one letter of objection (from Teston Parish Council) and referral to the Planning Applications Committee for determination is therefore necessary. However even if no letters of objection were received, the application would be required to be reported to the Planning Applications Committee as a result of governance requirements arising from the applicant, Kent Country Parks, and the Planning Applications Group both falling within the previous management arrangement of the Growth and Communities Division of the Growth, Environment and Transport Directorate at the time of submission. In these circumstances legislation

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requires that the decision is taken by the Planning Applications Committee even if there were no letters of objection received. Kent Country Parks now falls within the Environment and Circular Economy directorate.

23. The application is retrospective. The applicant was under the impression prior to the works taking place that the development benefited from permitted development rights and that a planning application was not necessary. Once the applicant was aware that planning permission was required, it submitted this application to test the planning merits of the proposal.

Scale, Design and Justification for the Development

24. This application seeks retrospective planning permission for an 'accessible to all' path around Teston Bridge Country Park which would provide a circular route around the park for year-round access. The accessible pathway links the carpark and play area with both Teston Bridge and Teston Lock, and linking with the Public Right of Way that is surfaced along the riverbank to create a circular pathway route around the park.
25. The pathway resurfacing and widening works were to an existing pathway that connects the carpark and play area at the north of the site with Teston Lock on the River Medway to the southeast. This pathway was previously 332 metres long and 1.4 metres wide, consisting of a granite type 1 subbase and part boardwalk in the southeast, and is situated along part of the northwest of the site, and following the boundary line of the main amenity meadow (Bridge Meadow) to the southeast. The application seeks retrospective permission for the resurfacing and widening of that existing pathway to 2 metres wide, and replacement of the boardwalk with the surfaced pathway over a culvert to allow for continued waterflow. The pathway has remained in the same location along the western boundary of the Bridge Meadow, turning south-eastwards and continuing along the meadow edge to meet the Public Right of Way along the River Medway in the southeast. The applicant states that the resurfacing and widening of this pathway provides a safer and more inclusive accessible access from the main country park amenities to Teston Lock. This application also seeks retrospective approval for the installation of a new 140 metre long 2 metre wide pathway to connect the carpark with Teston Bridge on the River Medway to the northeast. This follows a natural desire line from the country park access and carpark to Teston Bridge which is one of the main focal points of the country park, and formalises a route that was frequently used by visitors along the northern boundary. The applicant states that by surfacing this pathway, it enables year-round access, preventing the route from becoming muddy and unusable. Together the accessible to all pathways provide a circular surfaced route around the park, linking the main amenity areas of the country park with the Public Right of Way that follows the riverbank of the River Medway. The pathways being located around the edge of the amenity meadow are not considered to impact upon the amenity of the meadow and would enable continued use of the meadow for picnicking and informal recreation, whilst facilitating additional access around this area. In considering the location of the pathways around the edge of the main amenity meadow, and following the natural desire lines to two of the main country park elements, I am satisfied that the location of the pathway works are considered appropriate in this instance.

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26. The works have created approximately 480 square metres of additional surfacing within the country park. The resurfacing works have taken place in an area of land that was previously mown amenity grassland around the outskirts of the main amenity meadow (Bridge Meadow). There has not been any loss of the central area of the meadow which is maintained for recreational use within the country park, and the installed pathways are frequently used routes that follow a natural desire line leading to the River Medway and adjacent Public Right of Way. The pathway route follows a natural logical circular route that ensures visual continuity from the main country park entrance and carpark, leading to the main visitor attractions within the country park. In considering that the application seeks retrospective approval for the widening of an existing pathway, along with the installation of a shorter pathway, I am satisfied that the proposed scale of the works are appropriate in this instance.
27. The resurfacing materials that have been used match those existing on site and include a permeable granite type 1 subbase topped with 6mm to dust granite finings, and a geotextile membrane between the soil and stone, with a slight camber to enable drainage. The works involved the excavation of the pathways, with excavated soil being spread in the adjacent wooden area on site. Due to the application being retrospective, the works have already taken place on site and, as shown in the photographs earlier in the report, the resurfacing provides a grey coloured finish. I am satisfied that the proposed materials are appropriate given the location within the country park and would be in keeping with the surrounding area. The proposal would accord with the NPPF objectives on design, Maidstone Borough Local Plan (October 2017) Policy DM1 Principles of Good Design and DM30 Design Principles in the Countryside, as well as the emerging Maidstone Borough Council Local Plan Review Regulation 19 Draft Plan (October 2021) Policies LPRSP15 Principles of Good Design and LPRQ&D 4 Design Principles in the Countryside.
28. Teston Bridge Country Park has approximately 115,000 visitors each year (based on carpark counter data) and the application documents set out that the easy access path works were funded as part of the nationwide Covid-19 recovery programme, with this fund aiming to improve accessibility to the countryside for all in the post pandemic period. The application sets out that accessibility for all to Kent County Council Country Parks is a key priority and the development meets the aims and objectives of several KCC Strategies. This includes the KCC Country Park Strategy 2023-2028 which sets out a strategic aim to ‘sustain and manage visitor numbers to our Country Parks by always providing a quality customer experience alongside a comprehensive environmental education service, facilities, events and activities that encourage increased or repeat visits, especially amongst under-represented groups’, as well as an objective to ‘increase the accessibility of the countryside through the deployment of landscape management techniques, effective outward looking partnership working and improved facilities that seek to provide equity of access to quality greenspace to all Kent residents and visitors’. These aims and objectives link to the wider outcomes within KCC Framing Kent’s Future 2022-2023 strategic framework which includes a priority to ‘improve access for our residents to green and natural spaces especially in urban and deprived areas and through our Public Rights of Way network to improve health and wellbeing outcomes’. The KCC Health and Well Being Strategy also sets out that ‘the quality of life for people with long term conditions is enhanced and they have access to

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good quality care and support', coupled with the outcome within the Kent Environmental Strategy to 'strengthen our understanding of the health, social and economic value of our natural and historical assets'.

29. By providing a surfaced pathway link from the carpark to the play area and River Medway via both Teston Bridge and Teston Lock, a circular and surfaced walk around the country park can be enjoyed by all visitors at all times of the year. The pathways with a width of 2 metres ensure that the requirements of the Equalities Act 2010 are met, along with the width enabling a wheelchair to turn 180 degrees, as well as enough space for a pedestrian to pass a wheelchair safely. The pathways provide an important function as accessible access for all, all year round. Changes and improvements to access are required to meet the changing needs of current and potential visitors, as well as adapting to ensure the country park is fit for purpose for its visitors. Local Authorities are required to make reasonable adjustments to ensure that pathways are as accessible as possible, and also provide all visitors with access to the natural environment. This is also supported by Policies DM19 Open Space and Recreation and DM20 Community Facilities of the Maidstone Borough Local Plan 2017 as well as Policies LPRINF1 Publicly Accessible Open Space and Recreation and LPRINF2 Community Facilities of the emerging Maidstone Borough Council Local Plan Review (Regulation 19 Draft Plan for Submission Document 2021).
30. The resurfacing and installation of the new pathway has not resulted in any changes to the access or Public Right of Way (PROW). There is no objection from KCC Highways and Transportation or KCC PROW and Access Service to this application.
31. In my opinion, I consider that the installation and resurfacing of the pathways provide valuable accessible access for all to the countryside, whilst maintaining the continuity of the existing pathway route, as well as the openness and use of the main amenity meadow which can continue to be used for informal recreation. The proposal is considered to be in accordance with Policy DM1 (and emerging policy LPRSP15) of the Maidstone Local Plan which requires developments to safely accommodate pedestrian movements as well as other local planning policy and the NPPF which require open spaces to be accessible. The planning application seeks to retain the existing vehicular and pedestrian access points and routes into and out of the country park and I consider that these access routes would be enhanced as a result of the pathway works.

Landscape and Visual Impact

32. The development falls within the Medway Valley Landscape of Local Value, characterised by the River Medway crossed by distinctive ragstone bridges and surrounded by steep valley sides.
33. Teston Parish Council raise objection to the application due to overurbanisation of the previous agricultural land which was permitted as use of land for picnicking and other informal recreation activities in 1975. The Parish Council consider the cumulative effects of previous development at Teston Bridge Country Park have urbanised the original intended use and have led to the original field being substantially developed to the detriment of surrounding landscape features and the setting of Teston Bridge. They

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consider that continued overdevelopment of the country park is being increasingly exploited and urbanised and provide calculations of the percentage of land area that they consider has been previously developed, with an estimation of just over 11% of the total land area now having artificial structures upon it. The Parish Council sets out that the Country Park is one of Maidstone Borough Council's Areas of Local Landscape Value as well as Teston being classified as a Smaller Village in Maidstone Borough Council's emerging policy. The Parish Council considers that the application does not meet the policy requirements in relation to impacts on the appearance and character of the landscape, and cannot be appropriately mitigated. Maidstone Borough Council raise no objection the application but request that the comments from Teston Parish Council are taken into account prior to determination.

34. Since the Park's inception, there has been some limited urbanisation to provide ancillary facilities to enable accessibility and use of the park, including car parking, pathways, a toilet block and mobile catering facilities. Currently on site, it should also be noted that, (as set out in paragraph 8), the Environment Agency (EA) have installed a temporary crane pad to the east of the country park as well as a crane access route directly across the main amenity meadow from the carpark to the crane pad. This is to enable temporary works to be undertaken in relation to the lock and sluice and are temporary for the access of machinery and siting of the crane in order to implement the works. Whilst temporarily adding to the urbanisation of the site, it is understood that both the crane pad and crane access route will be removed from the country park and the amenity grassland reinstated once the EA works are complete. As the EA was the applicant for these works, Maidstone Borough Council is the appropriate planning authority as opposed to the County Planning Authority. It is also of note that the acceptability of the proposed resurfacing of the overflow carpark is separate from this planning application and details of this application are set out in Item D2 of the Planning Applications Committee papers.
35. It is recognised that where areas within open field or grassland are resurfaced with hardstanding there is an impact upon the natural landscape of an area. In this case, greater consideration is given to this point due to the site being subject to a landscape designation and the proximity to the Listed Building and Scheduled Ancient Monument. However, in this instance part of the application seeks approval for the resurfacing and widening of an existing pathway which is situated along the western and southern edge of the main amenity meadow (Bridge Meadow). This pathway was 1.4m wide and follows the natural meadow boundary along the existing tree line. The pathway remains in the same location along the boundary and has been widened by 60cm. In relation to the installation of the new pathway to the north of the main amenity meadow (Bridge Meadow), this follows the natural northern boundary of the meadow, adjacent to the existing tree line, and follows a natural desire line that was often used by visitors of the country park to access both Teston Bridge and the Public Right of Way. Both pathways are around the edges of the Bridge Meadow and adjacent to the other land uses such as the carpark and play area, and whilst partially visible, they follow the natural boundary lines around the outside of the meadow, with only the northern pathway being a new element. The pathways do not impact upon the usability of the main amenity meadow (Bridge Meadow), which is able to continue to be used for picnicking and informal recreation. Therefore, the impact is considered to be minimal when viewed in

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the wider context of the country park and surrounding area. Photos taken of the pathways demonstrate that they follow the boundary line of the meadow and do not, in my view, adversely impact the natural landscape setting. On balance the landscape and visual impact is minor and the creation of accessible pathways for all users of the country park outweighs the limited loss of grassland.

36. The country park also benefits from significant natural screening on site, with the pathways following landscaped boundary lines, and it is not considered that there is any adverse impact when considered alone or in conjunction with other projects on site. Therefore, I consider that the application does not conflict with the purpose of the landscape designation or local and national planning policy which intends to preserve the natural landscape.

Flood Risk

37. The application site is within Flood Zone 3 which is designated by the Environment Agency as an area with a high probability of flooding.
38. The Environment Agency were consulted on the application and stated that they have no comments to make. KCC Flood Risk Officers were also consulted as the Lead Local Flood Authority and initially requested additional information on the basis that no water drainage strategy had been provided as part of the application. The Applicant provided further information in which it was set out that the pathways were constructed using a permeable material at ground level and a slight camber to ensure that the pathways drain naturally into the existing amenity grass meadow. The boardwalk leading from the southeastern end of Bridge Meadow to Teston Lock was removed and replaced with a pathway over a culvert to allow continued waterflow. This has created a better solution from a long term maintenance perspective, without impacting on the existing drainage measures. It is therefore considered that any surface water would drain naturally into the floodplain as it does currently. The Applicant states that the pathways are not likely to create any new flood risk on the existing floodplain on the meadow and the retrospective works were carried out under an Environment Agency granted permit which acknowledged there was no impact on the flood risk from both the methodology for construction and finished path construction. The permit sets out that the works can be carried out and would not increase flood risk or harm land drainage or the environment. Following receipt of this information KCC Flood Risk Officers confirmed that they regard the proposals as low risk and raise no objection.
39. With this in mind, and due to a permeable material being used for the resurfacing and not impacting on the existing floodplain, this application is not considered to represent inappropriate development within an area at risk of flooding which planning policies state should be avoided. Therefore, it is my view that the application is acceptable in terms of flood risk.

Heritage Conservation

40. Part of the application site is located adjacent to Teston Bridge, which is a Grade 1 Listed Building and a Scheduled Ancient Monument. The bridge can be considered a

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focal point of the Country Park and represents the type of ragstone bridge which the landscape of the Medway Valley is noted for. Therefore, careful consideration must be given to ensure that any development conserves, and where possible enhances, the significance of the heritage asset and, where appropriate, its setting.

41. Historic England were consulted on the planning application and advised that they had no comments to make, deferring the matter to our own conservation advisers. KCC Heritage Conservation were consulted on the application and advised that they raise no objection.
42. The pathway located to the south of the Bridge Meadow which has been resurfaced and widened is partially visible from Teston Bridge. However, this was an existing 1.4m wide pathway that has been widened by 60cm for accessibility purposes. The pathway follows the natural west and southern boundary of the Bridge Meadow along the existing tree boundary line and benefits from adjacent vegetation, including trees and hedgerows, which is considered to soften the view from the bridge. The widening of this pathway is not considered to create a significant impact on the views from the bridge.
43. The application also seeks retrospective approval for the installation of a new pathway from the carpark and following the natural desire line along the northern boundary of the country park to Teston Bridge. This pathway meets with the Public Right of Way that runs along the riverbank and is situated in part adjacent to Teston Bridge. This pathway however follows the natural northern boundary line of the country park, in line with the carpark, access road, and Teston Lane. The pathway is also adjacent to existing boundary vegetation which provides a high level of natural screening. It is also of note that the Public Right of Way, which covers a section of the Medway Valley Walk, is surfaced and runs both north and south of Teston Bridge, as well as directly underneath. The accessible to all pathway is situated around the boundary of the main amenity meadow (Bridge Meadow) and is not considered to adversely impact the setting of this designation and conserves the significance of the heritage asset. The application is therefore considered acceptable in regard to development plan policy.

Biodiversity

44. The application site is designated as a Local Wildlife Site and consists of a mixture of amenity grassland, grazed wildflower meadows, woodland plantings, wetland habitat, riverside habitats and hedgerows. The pathways are situated around the north, west and southern boundary edges of the main amenity meadow (Bridge Meadow) within the country park. No trees, shrubs, hedgerows or vegetation were required to be removed to facilitate the development, and the pathways only impacted upon frequently mown amenity grassland. As such, it is not considered that the development would have had an adverse impact on features of ecological importance.
45. KCC Biodiversity were consulted on the application and advise that, whilst the application is retrospective and the works have already been carried out, it is unlikely that ecological information would have been requested to be submitted as part of the application. The Biodiversity Officer outlined that it appears that the path was largely established within short regularly mown areas of grassland, the aerial photos indicate

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that there was some scrub and long areas of grassland along the edge of the path, and if they had commented prior to the work commencing they would have recommended that any long grass/scrub was cleared using precautionary approach to ensure protected/notable species were not impacted. It is stated that the site is a country park and areas are managed to provide habitats which benefit biodiversity, therefore the Officer is satisfied that no enhancement measures associated with this application are required.

46. The Applicant has confirmed that there was no tree, hedge or vegetation removal or clearance required to facilitate the works and the development would not impact on tree root areas. The area of development has been managed as amenity grassland since the park opened in 1978. I am therefore satisfied that the development would not have a significant adverse impact on the Local Wildlife Site or other ecological interests and is therefore in accordance with development plan policy.

Other Matters

47. Teston Parish Council set out concerns in relation to submitting complaints to KCC, and the importance of the liaison group that the Parish Council has with the Kent Country Park Team. The Applicant has confirmed that should any complaints wish to be raised there is an appropriate complaints procedure within KCC, and the Country Park Team have not received any complaints in relation to the works on site and no objections have been raised in the Liaison Group meetings. Positive comments have been received by the on-site wardens, particularly around accessibility and the availability of access from the path improvements. Continued dialogue between the Parish Council and Country Park team is encouraged. In respect of the Parish Council's request that no more changes will be permitted to the Country Park facilities without formal consultation with Teston Parish Council, I can confirm that the Parish Council is a consultee on planning applications.
48. It is noted that the application is retrospective and that the development has already taken place on the basis that the applicant considered that planning permission was not required for the development. Discussions have taken place with the Country Parks Team to ensure that development proposals in the future are discussed with the Planning Authority in advance of any development taking place. Whilst the arrangements are in now in place, I have included an informative in the recommendation below to remind the applicant of these arrangements.

Conclusion

49. This proposal seeks retrospective planning permission for an 'accessible to all' path around Teston Bridge Country Park including the resurfacing and widening of an existing pathway from the carpark and play area to Teston Lock, and the installation of a new pathway from the carpark to Teston Bridge. The development seeks to link the country park facilities to the existing Public Right of Way which runs along the River Medway, providing a circular surfaced year-round accessible pathway around the main amenity meadow. The country park is located within Flood Zone 3, the Medway Valley Landscape of Local Value and is designated as a Local Wildlife Site. Teston Lock sits to

Item D1

Retrospective planning application for an ‘accessible to all’ path, including resurfacing and widening of an existing path, and installation of new path, at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687 (KCC/MA/0090/2023)

the east of the site and the historic Teston Bridge spans the river Medway in the north-east corner which is a Scheduled Ancient Monument and a Grade I Listed Building. The site has several walking routes throughout, including the Medway Valley Walk Footpath which runs along the River Medway surrounding the east and south of the site which is a Public Right of Way. In my view, the siting, scale and design of the pathways are acceptable and would not present any unacceptable adverse impact in terms of flood risk or biodiversity. I am also satisfied that the development would not have an adverse impact upon the adjacent Teston Bridge or the visual amenity of the local landscape. In my view, the impact of the development is minor and the creation of accessible pathways for all users of the country park outweighs the limited loss of grassland and minor impact.

50. The development is in accordance with the general aims and objectives of the relevant Development Plan Policies and the principles of the National Planning Policy Framework and therefore the recommendation is that planning permission be granted.

Recommendation

51. I RECOMMEND that PERMISSION BE GRANTED.

52. I FURTHER RECOMMEND THAT THE FOLLOWING INFORMATIVE BE ADDED:

(i) The applicant be advised that it discusses with the Planning Authority any future development proposals in advance of development taking place, so as to be informed on the need for planning permission and to avoid the need for retrospective planning applications.

Case Officer: Mrs Chloe Miles

Tel. no: 03000 415718

Background Documents: see section heading

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Item D2

Retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)

A report by Head of Planning Applications Group to Planning Applications Committee on 27 September 2023.

Application by Kent County Council Country Parks for retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Simon Webb

Classification: Unrestricted

Update for 27th September 2023 meeting following the deferral of the application from Planning Applications Committee on 16th November 2022.

1. The retrospective planning application for engineering works for the resurfacing of the overflow car park Teston Bridge Country Park was deferred from the meeting in November 2022 at the request of the Planning Applications Committee. The Committee resolved:

The application be DEFERRED in order for a landscaping scheme to be prepared by the applicant. In preparing the scheme, it is recommended that the applicant liaise with the Parish Council.

2. The report considered by Members at that meeting is attached as Appendix 1 and forms part of the consideration of the application. The application was deferred in order for the applicant to give further consideration to the concerns raised by Teston Parish Council and Committee Members, and to explore the possibility of incorporating additional landscaping into the scheme. The concerns raised largely related to the urbanisation of the country park, the lack of sufficient or substantial landscaping and screening both around and within the overflow carpark to visually soften and break up the mass of the parking area, as well as the usage and need for the overflow carpark. Members were of the view that considerable substantive landscaping, comprising a mix of trees, hedging and shrubs, both within and around the overflow carpark, should be considered to soften the impact of the resurfacing works, reduce the urbanisation to be more in-keeping within the surrounding areas of the country park. Members also recommended that the applicant liaise with Teston Parish Council in relation to the landscaping scheme prior to the submission of additional information.
3. This report provides an update regarding the proposed changes to the application to address the Committee's earlier view and to incorporate landscaping into the proposal. The report appends the original report from the November 2022 meeting as Appendix 1. In determining the application Members must have regard to both the details within this supplementary report as well as the details set out in Appendix 1.

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Background

4. The applicant has confirmed that in preparing the additional information, Kent Country Parks have liaised with Teston Parish Council on the proposed landscaping scheme and, where possible, Teston Parish Council's views have been taken into account with the scheme adjusted accordingly or clarifications made within the supporting documentation to address their queries.
5. The existing vegetation around the overflow carpark consists of a number of trees of varying ages and shrub planting. This includes a cluster of oak, sycamore and hazel trees to the west of the overflow carpark, and a band of planting continuing along the south including hazel, oak, dogrose and silver birch. This southern row of planting separates the overflow carpark from the adjacent footpath and provides some screening through mature planting. In order to address the concerns of Committee Members, a detailed landscaping scheme is now proposed. This aims to integrate the overflow carpark into the country park and provide additional screening, both within and around the overflow carpark, to visually soften and reduce the urban feel of the overflow carpark.

Summary of Landscaping Scheme

6. The landscaping scheme proposes to install an area totalling 270 square metres of native woodland understorey planting to supplement the existing landscaping to the south of the overflow carpark. This area of woodland planting would include individual trees with lower canopy heights to assist in the screening of the open views beneath the existing mature trees. This would include the individual planting of five hazel and three silver birch trees along with woodland understory planting comprising a mixture of alder blackthorn, holly, blackthorn, dog rose and bramble species. As set out in the submitted landscape plan, the proposed woodland understorey planting would be a height of 40-60cm when planted to provide lower level under canopy screening of the overflow carpark when viewed from the wider area, and therefore screening views from across the country park.
7. The landscaping scheme also proposes to excavate part of the central area of the overflow carpark and install 70 metres of native hedgerow and 9 trees in the centre of the overflow carpark. The excavation would involve the removal of a minimum 2 metre wide strip of the existing crushed aggregate surfacing and sub-base, with timber edging to match the existing, to enable a suitable planting trench and pits to be excavated for the establishment of the hedgerow and trees. The installation of the central hedgerow and trees aims to break up the 'urban massing' of the development and soften the visual appearance of the resurfacing. The native hedgerow would incorporate 416 individual plants through the centre of the overflow carpark, consisting of a mixture of hazel, hawthorn, alder buckthorn, holly, blackthorn and dog rose species. The landscape plan sets out that the native hedgerow would be planted at a height of 40-60cms, and the applicant has confirmed that the hedgerow would be maintained at a width of 3 metres and height of 1.2 metres once the planting has established, therefore totalling an area of 210 square metres within the centre of the overflow carpark. Nine standard oak trees (2.5-3 metres when planted) are also proposed to be planted at even spacings within the hedgerow to provide additional screening at a higher level, as well as being in keeping with the surrounding vegetation.

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8. In relation to maintenance of the additional landscaping, it is proposed that the vegetation through the centre of the overflow carpark would be maintained to meet the guidance of the ParkMark scheme, in that the hedgerows would be maintained at a height of 1.2 metres and tree branches kept to above 2.5 metres on mature plants. The applicant has confirmed that all planting would be maintained to encourage an appropriately dense central hedge and understory planting on the overflow carpark edges for a minimum of 5 years.

9. At the November 2022 meeting, the Committee suggested that the landscaping scheme included a mixture of tree, hedging and shrub planting both around the boundary and within the overflow carpark, and advised that these should include evergreen and ideally native species. The density and percentage coverage of the species are set out in detail in the submitted landscape plan and the applicant has confirmed that the plant species have been informed by the existing plant species that are present within the country park, as well as by the Area of Outstanding Natural Beauty hedgerow management documents (although it is noted that the site is not within the AONB). The chosen species have high wildlife value to support the country park's wildlife and are also in line with KCC's Plan Bee Action Plan which aims to support pollinators including bumblebees, butterflies, moths and beetles. The only native evergreen species currently within the country park is holly, and it is proposed that this is used within the woodland understorey planting and the central hedgerow to provide year-round screening. The applicant acknowledges that some species are thorny and spikey, but the use of appropriate native species that are currently present throughout the country park provides maximum benefits for the park's wildlife. It is proposed that the planting would be carried out in the next available planting season (November to March). The landscaping scheme plan is set out below.

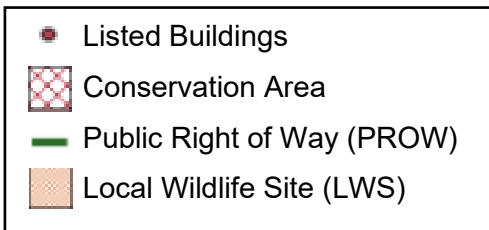
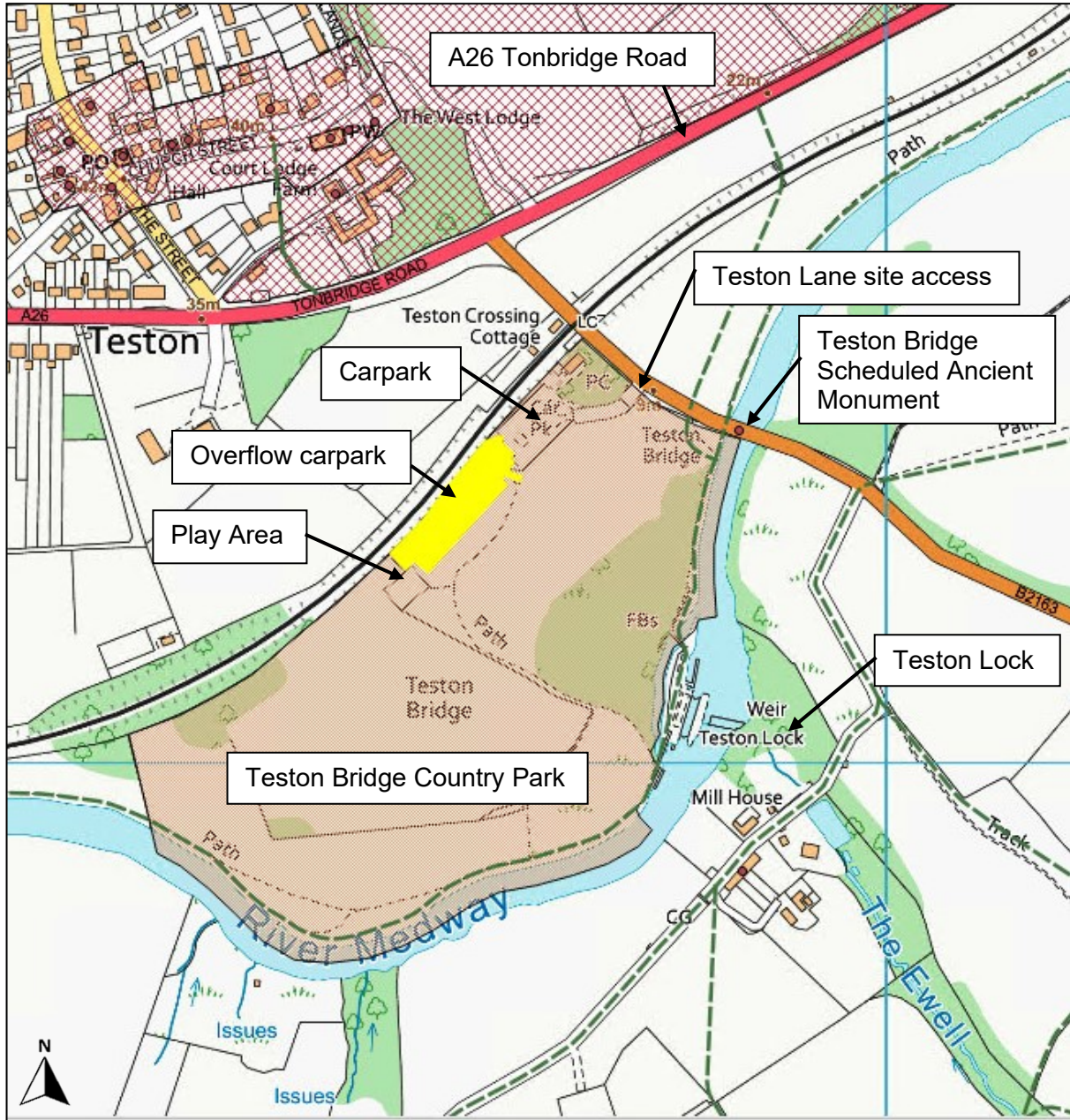
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Landscape Plan



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Site Location Plan



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Summary of Overflow Carpark Usage and Need

10. Following queries from Members during the November 2022 Committee, clarification has been sought from the applicant in relation to the number of parking spaces within the country park. The applicant has confirmed that the main carpark at Teston Bridge Country Park has a capacity of 52 parking spaces, including 4 disabled spaces. There are no changes proposed to the main carpark. The overflow carpark prior to the resurfacing had a capacity of 116 parking spaces, and the resurfacing sought to formalise these spaces and provide for all weather usage. The proposed additional landscaping would lead to a loss of 28 parking spaces within the overflow carpark, therefore providing 88 spaces within the overflow carpark and a total of 140 within the country park.

11. The Committee also raised concerns regarding the use and justification for the resurfacing of the overflow carpark and requested further details regarding when the overflow carpark is opened, why it is not available all year round, as well as the average number of visitors to the site. The applicant has set out in the supplementary information that the overflow carpark at Teston Bridge Country Park remains locked when a need for its use is not expected, preventing the carpark from being used for anti-social behaviour such as car meets when the country park is quiet. The overflow carpark is opened when the main carpark is expected to be near, or has reached, capacity. The opening of the overflow carpark is intended to avoid congestion in the carpark and the local highway network, particularly due to the country park entrance being situated in very close proximity to and directly between the railway crossing on Teston Lane to the northwest, and the single lane crossing over Teston Bridge to the east.

12. The decision on whether to open the overflow carpark is taken by the site warden each morning. The wardens return to the site throughout the day on peak days, such as weekends, and are able to assess the need for the overflow carpark as required. The café concession are also on site most days and are able to report to the wardens when required. They also have a key should they need to open the overflow carpark. Members of the country park team are able to be on site at the country park within 20-30 minutes should there be a need to open the overflow carpark during the day.

13. The overflow carpark is most likely to be required during peak periods such as weekends, school holidays, for an event, and weekdays during the spring and summer months. Other factors such as a school inset day can also mean that a local decision is required based on local knowledge, site capacity and weather to determine if the overflow carpark may be required. In the supplementary supporting statement, the applicant sets out that the usage of the overflow carpark has generally increased over the past 5 years, with total vehicle visits per annum increasing by 45% from 36,109 in 2018 to 52,710 in 2022, with a notable spike in 2020 from the Covid-19 pandemic. This can be shown in the table extracted below:

Annual vehicle visit figures for Teston Bridge Country Park (calendar year)

Year	2018	2019	2020	2021	2022
Total Visits (per annum)	36,109	47,956	64,029	61,481	52,710

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14. The applicant advises that the increased usage has resulted in the main carpark becoming easily overwhelmed and the overflow carpark being used more often. The figures within the supporting statement also set out that in 2022, the main carpark reached capacity on 88 days, 44 of which were within 5 days of rainfall and amounting to a requirement for the overflow carpark for almost 25% of the year. These days were spread across the year, with peak times including Boxing Day, New Years Day and during the summer holidays.
15. From reviewing historic maps, it is considered that the overflow carpark has been available for use on site since the park opened by KCC in 1978. The overflow carpark was previously unsurfaced, with a grass finish, which would often become muddy and uneven during and after rainfall events, creating difficult parking conditions and leading to increased surface maintenance requirements. Unpredictable weather also led to rapidly deteriorating surface conditions, leading to greater risk of accidents with the potential for vehicles to become stuck or skid on the surface, posing a danger to both pedestrians and other vehicles. The applicant has set out that the resurfacing of the overflow carpark provides suitable year-round use and also reduces the risk of dangerous parking on the narrow highway access via Teston Lane. The supporting statement also sets out that further problems were created on the surrounding roads by poor traffic flow within the site when the overflow car park was closed. Queues would form on the narrow road adjacent to the country park whilst people were waiting for spaces to become available in the main car park. In applying a hard finish to the overflow carpark, the applicant considers that safe parking is provided throughout the year leading to safer conditions for drivers on the roads around the country park.

Planning Policy

16. The policies relevant to this application are set out in paragraph 10 of the original report from the November 2022 committee attached in Appendix 1. In addition to these policies, there are some policies in the Maidstone Borough Council Local Plan (adopted October 2017) and the emerging Maidstone Borough Council Local Plan Review (2021) that are also relevant:

Maidstone Borough Local Plan (adopted October 2017)

Policy DM19 Open Space and Recreation - Open spaces should where appropriate, provide interest and activities for a wide range of users in particular meeting the needs of elderly and less able users as well as children, young people and families. Importance of high quality, publicly accessible open space can bring about opportunities for promoting social interaction and inclusion in communities.

Policy DM20 Community Facilities - Seeks to provide adequate provision of community facilities in order to build well functioning, sustainable communities and emphasises the importance of creating healthy and inclusive communities with appropriate facilities.

Maidstone Borough Council Local Plan Review 2021

This is a review of the 2017 Local Plan. It is not yet adopted but was submitted to the Planning Inspector for examination in March 2022. The policies within the review of the

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Local Plan should be given greater weight the closer it gets to adoption, and it is noted that the Inspector's Report is awaited. The relevant policies are:

Policy LPRINF1 Publicly Accessible Open Space and Recreation - Open spaces should be designed to encourage physical activity to improve mental wellbeing and health inequalities, and where appropriate provide interest and activities for a wide range of users in particular meeting the needs of elderly and less able users as well as children, young people and families, and connect with local routes.

Policy LPRINF2 Community Facilities - Seeks to ensure adequate accessibility to community facilities, including social, educational and other facilities to assist in building well-functioning sustainable communities.

Re-Consultations

17. **Maidstone Borough Council** did not provide any further comments on the application. They previously considered that whilst the materials used to resurface the car park are obtrusive, the proposed works are acceptable in terms of visual amenity and impact upon the Medway Valley Landscape of Local Value due to the accessibility it provides to the Country Park, although some additional screening may usefully be imposed. They stated that the works serve a need to ensure sufficient access to the Country Park and the screening afforded from the mature trees on the application site boundary mitigate any visual impact. They would however support the implementation of further screening along the application site boundary.

KCC Biodiversity raise no objection and set out that it is unlikely that any ecological information would have been requested (had the application not been retrospective) as it appears that only a short regularly mown area of grassland has been cleared to facilitate the works. In their previous comments on the application, they advised that if they had commented prior to works commencing on site they would have recommended that the area of vegetation within the middle of the parking area was retained and enhanced to provide habitat to benefit biodiversity and support connectivity through the site.

The Biodiversity Officer notes the updated landscaping plan which details the incorporation of a native species hedgerow in the centre of the site, as well as additional native special planning along the southern boundary. KCC Biodiversity are supportive of these measures and advise that the proposed vegetation should be actively managed by the Parks Team to ensure that it establishes to benefit biodiversity.

Teston Parish Council object on all grounds as set out in their earlier response to the application, as set out in paragraph 29 of Appendix 1. The Parish Council set out in their most recent response that they are grateful for the close attention that the Planning Applications Committee has given to this retrospective application as well as the establishment of the Teston Bridge Liaison Group. The Parish Council confirms that liaison with Teston Parish Council on the landscaping scheme took place in April via email and is of the view that this was not an iterative process. The comments from the Parish Council set out their input during the informal discussion with the Country Parks Team on the landscaping scheme and that they feel these have not been addressed adequately. These relate to the view that the country park remains significantly developed to when it opened, their view that the increase in visitor numbers does not

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justify the need for the resurfacing of the overflow carpark, the large amount of deciduous planting and lack of evergreen vegetation apart from holly, and a request for no thorny/prickly items to be included in the proposals. The Parish Council also sets out the need for plants of a significant size when planted to be present to provide a suitable level of screening from installation.

In summary, the Parish Council sets out that no adjustments have been made following the informal liaison with Teston Parish Council and clarifications do not justify the current landscaping proposal. The Parish Council considers that the cumulative effect of developments to date have substantially developed the original field to the detriment of the surrounding landscape features and the setting of Teston Bridge, a Grade I Listed Building and Scheduled Ancient Monument. The Parish Council consider the visual and visitor experience has been degraded and the proposed landscaping, even when mature, would not mask the 'desert' of hard surfacing from those enjoying the attractive views in the Area of Local Landscape Value. The Parish Council request the removal of 50% of the hard surfacing that is adjacent to the main park and reinstatement with grass, along with the remaining hard surfacing to be re-rendered almost invisible from the main park by re-defining the proposed central strip of hedging to be evergreen and of significant maturity when planted. They request that the application be deferred again to enable the Country Park team to consider the views of Teston Parish Council during the Liaison Meetings and Planning Applications Committee, requesting that the development intrusions within the country park are bought under clear control and effective management.

Local Member

18. The Local Member, Simon Webb was notified of the revised application on 21st June 2023 and responded in that he is wholly against the application being granted. Mr Webb sets out that 'there have been multiple failures throughout the process, as have been identified by Teston Parish Council, who should have been consulted as correspondees to any planning application within their remit'. Mr Webb sets out that the works which have been completed are an eye sore to the Country Park and should not have been implemented.

Review of Additional Information

19. The updated information in this report sets out additional landscaping details, along with further clarification regarding the need for the development following the deferral of the application at the 16 November 2022 Planning Applications Committee. The new landscaping scheme sets out details to address concerns raised by Members in relation to the urbanisation and over development of an area of the country park and lack of substantial landscaping and screening both within and around the overflow carpark. Members were of the view that considerable substantive landscaping, comprising a mix of trees, hedging and shrubs, both within and around the overflow carpark would be required to significantly soften the impact of the resurfacing works, reduce the urbanisation and be more in-keeping within the surrounding areas of the country park.
20. I consider that the installation of some 270 square metres of mixed native woodland understorey planting to the south of the overflow carpark, along with the installation of 210 square metres of mixed native species hedgerow and the 9 standard oak trees

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throughout the centre of the overflow carpark would significantly reduce the massing and urbanisation of the resurfacing works. The overflow carpark currently benefits from some shrub planting both to the west and south, providing a level of screening from the main amenity meadow. This existing planting provides an effective screen of the carparking area when from key vantage points including Teston Bridge and the main amenity meadow (Bridge Meadow). In my view, the mixture of species proposed for the woodland understorey planting would provide additional screening of the overflow carpark when viewed from within the wider country park. I consider that the additional woodland understorey planting would help create a denser natural amount of screening, infilling the under-canopy areas, therefore reinforcing the existing planting and reducing intervisibility between the overflow carpark and country park. I also consider that the installation of a 70 metre long, 3 metre wide and 1.2 metre high mixed native hedgerow, with associated tree planting, throughout the centre of the overflow carpark would significantly reduce the urbanisation and massing of the resurfaced area. I also consider that the hedgerow, along with the installation of the oak trees would create a visual break in the overflow carpark, breaking up the visual impact, creating an appropriate development.

21. In relation to the mixture of species of vegetation and planting proposed, it is noted that the Committee requested that native species consisting of a mixture of deciduous and evergreen trees, hedges and shrubs, be incorporated into the landscaping proposals, along with Teston Parish Council requesting limited thorny/prickly items. All of the species which are proposed within the landscaping scheme have been selected based on the species that are currently present in the country park to be in keeping with the natural surroundings and provide maximum benefit to the local wildlife and local landscape character. The plants and species have been informed by those native species existing on site as well as the Kent Downs AONB Hedgerow Management document, which reflects best practice. The species are also in accordance with KCC's Plan Bee Action Plan to support pollinators. Previously Members of the Committee informally set out the importance of evergreen planting to ensure year-round screening and it should be noted that the only native evergreen species found at the country park is holly. It is therefore proposed to increase the amount of holly to be in keeping with the current vegetation on site whilst also incorporating this into both the central hedgerow and surrounding understorey planting to provide year-round cover. The applicant has advised that following informal consultation with Teston Parish Council, the percentage of holly within the central hedgerow has increased to 30% to provide year around evergreen coverage.
22. The applicant also acknowledges the Parish Council's request for reduced thorny/prickly species within the landscape scheme, however these are also native species and provide maximum benefit for the country park's wildlife. The mixed native hedgerow species have been selected to maintain the species currently found within the country park, provide the most suitable habitat for local wildlife, increase species richness and also maintain the local landscape character. The applicant has proposed a balance of native species that are currently present on site whilst also integrating a higher level of holly to provide year-round screening. It would not be appropriate in my view to introduce species that are not currently present within the country park.
23. The submitted landscape plan sets out further details regarding the density, size and percentage of species proposed. The sizes of the plants specified are based on industry standards and ensure the best chance of survival for the vegetation. The applicant has

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confirmed that the planting would be installed during the next planting season and would be managed and maintained appropriately to ensure sufficient and efficient establishment in accordance with the country park management plans.

24. The proposed mixture of species set out in the landscaping scheme are consistent with Policy DM1 of the Maidstone Borough Local Plan 2017 in that 'particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area'. I also consider that this is consistent with Policy DM19 Publicly Accessible Open Space and Recreation through providing a 'range of planting, with appropriate mix of predominantly indigenous species, maintained to a good standard'.
25. Within the further information provided, the applicant has set out details of the usage and management of the overflow carpark along with detailed figures of visitor numbers over the last 5 years. The applicant has set out that there has been a significant increase in vehicle visitor numbers to the country park per annum, with the demand for the overflow car park increasing and the site's popularity for picnicking and informal recreation continuing to grow year on year. The overflow car park is needed following the carpark reaching capacity at peak times, and the frequency of this is predicted to increase in future years. The applicant has also set out the importance of ensuring that there is year-round access for sufficient parking on site to ensure that there are no implications on the surrounding local highway network. This is particularly important due to the location of the country park access/exit being located on Teston Lane between the railway crossing to the northeast, and single lane Teston Bridge crossing to the east. The applicant has confirmed the importance of local knowledge of potential peak days, such as summer holidays, bank holidays and inset school days, and has confirmed how the opening of the overflow carpark is managed. This increased use of the overflow car park, and a resulting need for a durable surface to enable year-round safe access and use, in my view supports the case of need previously given by the applicant and accepted in coming to the recommendation to grant retrospective permission for the resurfacing, as set out in Appendix 1.
26. Accessibility for all to the Council's country parks is a key priority and the development meets the aims and objectives of several KCC Strategies. This includes the KCC Country Park Strategy 2023-2028 which sets out a strategic aim to 'sustain and manage visitor numbers to our country parks by always providing a quality customer experience alongside a comprehensive environmental education service, facilities, events and activities that encourage increased or repeat visits', as well as an objective to 'increase the accessibility of the countryside through the deployment of landscape management techniques, effective outward looking partnership working and improved facilities that seek to provide equity of access to quality greenspace to all Kent residents and visitors'. These aims and objectives link to the wider outcomes within KCC Framing Kent's Future 2022-2023 strategic framework which includes a priority to 'improve access for our residents to green and natural spaces especially in urban and deprived areas and through our Public Rights of Way network to improve health and wellbeing outcomes'.
27. The National Planning Policy Framework (NPPF) also promotes healthy and safe communities in that development should 'aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles'. Furthermore, 'to provide the social,

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recreational and cultural facilities and services the community needs, decisions should plan positively for the provision and use of shared spaces and community facilities' to 'enhance the sustainability of communities', as well as 'take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community'. The NPPF also states that 'access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities'. This is reflected at a local level in the Maidstone Borough Local Plan 2017 in Policy DM19 Publicly Accessible Open Space and Recreation and DM20 Community Facilities which seek to ensure adequate provision of community facilities and 'high quality, publicly accessible open space' and set out that 'sports and recreation areas and facilities can contribute positively to the wellbeing and quality of those communities'. This is also reflected in the emerging Maidstone Borough Council Local Plan Review (Regulation 19 submission 2021) which has recently been the subject of an Independent Examination.

Other Matters

28. During the November 2022 meeting, the Committee recommended that the applicant liaise with Teston Parish Council. The applicant has confirmed that informal consultation with Teston Parish Council on the draft landscaping scheme was undertaken via email over a 6-week period in advance of the submission to the Planning Authority. The applicant has confirmed that the Country Park Team responded to questions and queries raised by the Parish and consideration of their comments led to amendments to the scheme through 6 revisions including an increase of holly in the central hedgerow from 5% to 30%, introduction of 20% of holly in the understorey planting to provide evergreen cover, as well as changes in the supporting statement to provide clarification on specific issues raised by the Parish Council. The applicant has advised that the landscape scheme as submitted aims to provide the most suitable outcome for the country park visitors, the local landscape and wildlife, whilst having regard to local concerns. It is noted that there is a liaison group with representatives from Teston Parish Council and the Kent Country Park Team, and continued dialogue throughout this group is encouraged. In respect of the Parish Council's request that no more changes will be permitted to the Country Park facilities without formal consultation with Teston Parish Council, I can confirm that the Parish Council is a consultee on planning applications.
29. Teston Parish Council set out concerns that the whole area was a field permitted as use of land for picnicking and other informal recreation activities when originally purchased by KCC in 1975 and has since been substantially developed. It should be noted that the site includes a toilet block, main carpark and overflow carpark which have been in their current location since the site opened as a country park by KCC in 1978, along with the addition of a play area and grazing paddocks in 1985. Teston Bridge Country Park covers an area of approximately 32 acres which is comprised of three meadows; Bridge Meadow to the north-east which is used as a picnic area, and Tutsham Meadow and Coombe Hill to the southwest which are used for cattle grazing. The applicant considers that the park has been developed into a picnicking and informal recreation area as required, whilst also providing changes and improvements where appropriate to meet the changing need of current and potential visitors as well as adapting to ensure that the country park is fit for purpose for its visitors. The site has been developed in line with requirements for access and safety whilst maintaining the original requirement of a

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picnicking and informal recreation site, meeting the requirements and expectations of the growing visitor numbers whilst ensuring the benefit to local wildlife.

30. Comments raised by the Local Member Mr Webb set out that there have been multiple failures throughout the process. I can confirm that Teston Parish Council were consulted on the original proposal as well as the landscaping scheme, their comments have been considered in this supplementary report as well as the report in Appendix 1, and as set out in paragraph 22 above the Country Park Team have liaised with the Parish Council. The planning application was submitted to Planning Authority as soon as the Country Park Team was aware that planning permission was required. Any planning application is assessed on its planning merits. Discussions have taken place with the Country Parks Team to ensure that development proposals in the future are discussed with the Planning Authority in advance of any development taking place. Whilst the arrangements are in now in place, I have included an informative in the recommendation below to remind the applicant of these arrangements.
31. I note that Teston Parish Council 'request the removal of 50% of the hard surfacing that is adjacent to the main park and reinstatement with grass, along with the remaining hard surfacing to be rendered almost invisible from the main park by re-defining the proposed central strip of hedging to be evergreen and of significant maturity when planted'. The applicant has set out that whilst this suggestion was not proposed during the informal liaison with the Parish Council on the landscaping scheme prior to it being formally submitted, it has considered the suggestion and advises that it would not meet the country park needs. The applicant advises that the hard standing within the overflow carpark is required to accommodate the current visitor requirements, and to prevent any overspill from parking on the adjacent highway which is situated between the rail crossing and single lane Teston Bridge. As set out in the additional information, visitor numbers have increased by 45% from 2018 to 2022 and are increasing approximately 10% each year (excluding the Covid-19 pandemic in 2020). It is anticipated that these numbers will continue to increase, and this combined with frequent rain periods, mean that the surfaced overflow carpark is anticipated to be required to meet the needs of country park visitors whilst also minimising disruption on the local highway. The applicant has further set out that the proposal suggested by the Parish Council would present the need for additional physical barriers to be installed to be able to shut off any unsurfaced area particularly during wet weather periods to prevent health and safety concerns.
32. Furthermore, in relation to the Parish Council's suggestion to re-define the central hedgerow to be evergreen and of a significant maturity, I would advise that the landscaping scheme sets out that the hedgerow would consist of 416 individual plants containing a mix of hazel, hawthorn, alder buckthorn, holly, blackthorn and dog rose. The landscaping scheme sets out that the hedgerow would include 30% holly to ensure that there is sufficient evergreen coverage year round, whilst also providing a native species that is present throughout the country park currently. The hedgerow would be planted at a height of 40-60cm and maintained to a height of 1.2 metres and width of 3 metres once established. The applicant advises that the proposed landscaping scheme has taken into account the feedback from the Committee and provides the most appropriate balance of meeting the needs of country park visitors all year round, improving the habitat for wildlife and also minimising disturbance and safety risks on the local highway. In light of the additional landscaping proposed, balanced against the need for the resurfacing of the overflow carpark, I am satisfied that the proposal as

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submitted is acceptable. I also consider that the resolution from the November 2022 committee has been met in that a substantive landscaping scheme has been prepared by the applicant and liaison with Teston Parish Council has taken place accordingly.

Conclusion

33. This application was originally considered at the Planning Applications Committee of 16 November 2022. It was deferred pending further consideration on need and to explore the potential for additional landscaping. The application as amended seeks retrospective permission to resurface the overflow carpark to meet community need. Following the Committee's earlier concerns it now provides substantial additional landscaping to integrate the parking area into the site. A planning assessment of the application was undertaken prior to the application being reported to the 16 November 2022 Planning Applications Committee meeting and addressed the relevant material considerations. These are set out in the original report which is attached as Appendix 1 to this report. This supplementary report advises on the changes since the original report. Both reports need to be considered in the determination of the planning application before you.
34. Following consideration of the additional information relating to the inclusion of further landscaping into the scheme, and the details provided by the applicant in terms of the use and need for resurfacing of the overflow carpark after the application was deferred from the November 2022 meeting, it is considered that the original recommendation that conditional planning permission be granted remains appropriate. The development proposed would improve the accessibility to the country park by ensuring that the overflow car park can be used to its full capacity all year round. No changes are proposed to the access or the use of the overflow parking area. The proposal is considered acceptable in terms of its siting and design, and is not considered to present any unacceptable adverse impact in terms of landscape, flood risk, biodiversity or heritage conservation. The proposed native landscaping scheme would add to the existing vegetation which currently screens the carparking area. It would significantly assist in mitigating the visual impact of the car park, with the taller species and hedgerows breaking up the visual mass of the parking area and the understory elements, along with existing vegetation, mitigating the impact of wider views into the site. The use of native species would support biodiversity objectives whilst also enabling and supporting access to recreational and open space for the health and wellbeing of communities.
35. The development is in accordance with the general aims and objectives of the relevant Development Plan Policies and the principles of the National Planning Policy Framework and therefore the recommendation is that planning permission be granted subject to a condition regarding the implementation of the landscaping scheme as submitted, and subsequent retention and maintenance of planting both within and to the boundaries of the overflow car park. I therefore recommend that permission be granted, subject to the conditions and informative set out below. In light of the retrospective nature of this application, I also recommend that an informative be added reminding the applicant of the need to discuss development proposals with the planning authority in advance of development taking place to avoid future retrospective proposals.

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Recommendation

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

- Landscaping scheme to be implemented as shown on the submitted drawings within the first available planting season and thereafter maintained;
- Retention and maintenance of planting both within and to the boundaries of the overflow car park. Any trees that are diseased or felled shall be replaced within the next planting season with native species to be agreed with the county planning authority.

37. I FURTHER RECOMMEND that the following INFORMATIVE be added:

- i) The applicant be advised that it discusses with the Planning Authority any future development proposals in advance of development taking place, so as to be informed on the need for planning permission and to avoid the need for retrospective planning applications.

Case Officer: Chloe Miles

Tel. No: 03000 415718

Background Documents: See section heading

Appendix to Item D2 - Report to Planning Applications Committee 16 November 2022

Retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)

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

Application by KCC Country Parks for retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Simon Webb

Classification: Unrestricted

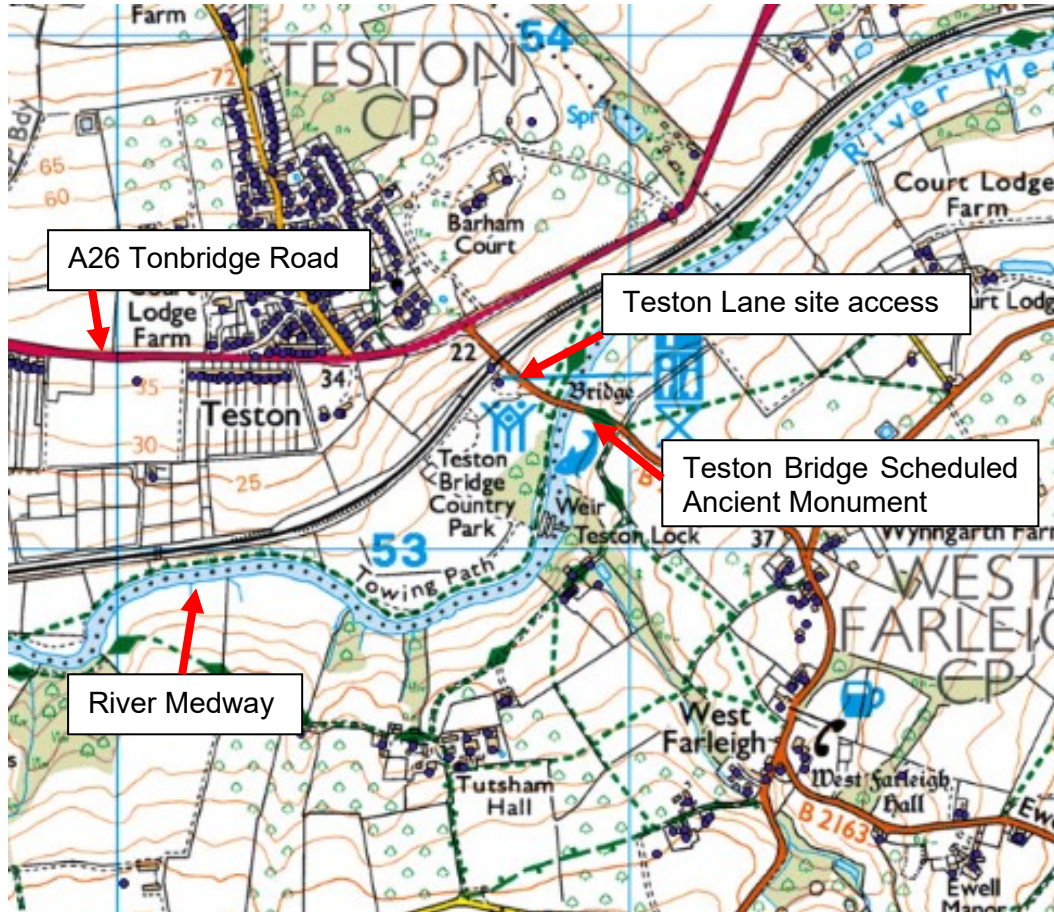
Site

1. Teston Bridge Country park is located in the village of Teston in the west of the Maidstone Borough. The site area totals approximately 32 acres and is comprised of three meadows; Bridge Meadow to the north-east which is a picnic area, and Tutsham Meadow and Coombe Hill to the south west which are used for cattle grazing. The site has several walking routes throughout, including the Medway Footpath which runs along the River Medway surrounding the east and south of the site which is a Public Right of Way. The country park is used by members of the public for out-door activities including dog walking, fishing and picnicking; the site also offers a children's play area, toilets and a food and drink facility.
2. Teston Lock sits to the east of the site and the historic Teston Bridge spans the river Medway in the north-east corner which is a Scheduled Ancient Monument and a Grade I Listed Building. The north-west boundary of the site runs adjacent to the railway line.
3. Access is sought from the B2163 (Teston Lane) in the north of the site, leading to an on-site pay and display car-park. An overflow car park is accessed to the west of this car park.
4. The entirety of the site falls within the Medway Valley Landscape of Local Value and is designated as a Local Wildlife Site (MA62), the site is also within Flood Zone 3 (an area with a high probability of flooding). The site falls outside of the urban settlement boundary within the Maidstone Borough Local Plan 2017 and can therefore be considered as being in the countryside.

Appendix to Item D2

Retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)

General Location Plan



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Recent Planning History

5. The country park was previously an area used for grazing livestock. It opened to the public in 1978 however two of the meadows continue to be grazed as part of the site management. Planning history since then includes a planning permission for a mobile catering unit to be sited between 0900 and 1800 hours (MA/09/594).
6. There have also been two retrospective applications made to Maidstone Borough Council by the operator of the car park ticketing system; MA/18/500774 for the Erection of a 4 metre high column with Automatic Number Plate Recognition (ANPR) Camera and MA/18/500775/ADV for an Advertisement Consent for 10 Non Illuminated Pole mounted signs directing users of the Country Park to pay and display for parking.

Background

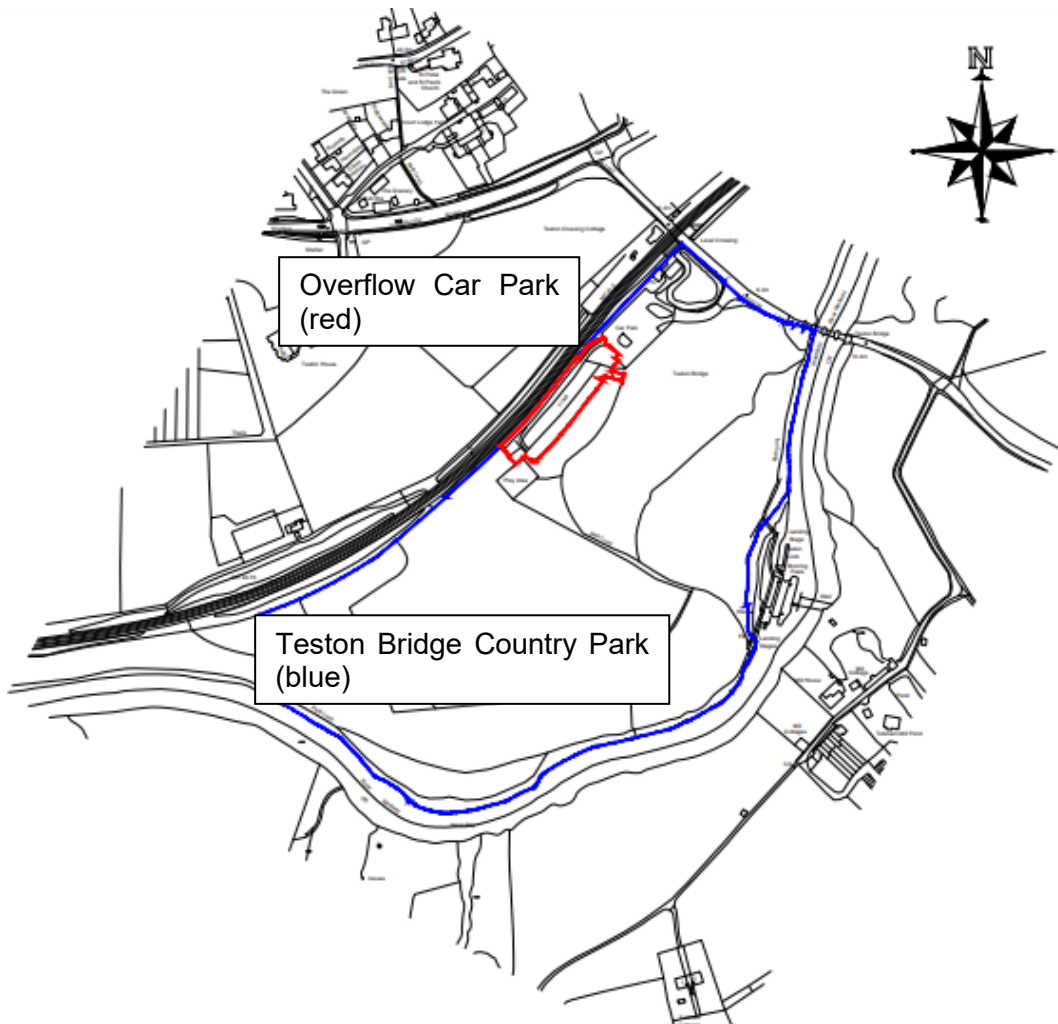
7. As well as the main car park which is accessed directly from Teston Lane, the Country Park benefits from the use of an overflow carpark. This car park is accessed through the main car park and comprised grass and made ground. It was considered by the Country Park Team that the overflow car park required resurfacing to improve its usability during periods of wet weather. Those works took place in June 2020, and are the subject of this application as planning permission was not sought at the time. The Country Park Team incorrectly considered that the works would benefit from permitted development rights and that a planning application was not required.
8. Other works which took place in conjunction to the resurfacing included the installation of diamond knee rail fence at the entrance to the overflow car park, a post and rail fence along the northern boundary of the site and the installation of double wooden gate with associated stainless steel hinges and latches. These works were carried out under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Proposal

9. This application seeks retrospective planning permission for the resurfacing of the overflow car park, with a site area totalling 3916 metres squared. The resurfacing has been carried out with the use of 150mm Ministry of Transport (MOT) type road surfacing compound with a 50mm wearing course of granite/limestone type dusting. The works have also included the installation of wooden bollards, sleepers along the northern edge of the car park and reflectors on the sleepers to demarcate parking spaces. The capacity of the car park is now 140 spaces. No trees were removed to enable the works.

**Appendix to Item D2
Retrospective planning permission for engineering works related to
the resurfacing of the overflow car park at Teston Bridge Country
Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX -
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Site Location Plan



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Teston Bridge overflow car park prior to resurfacing



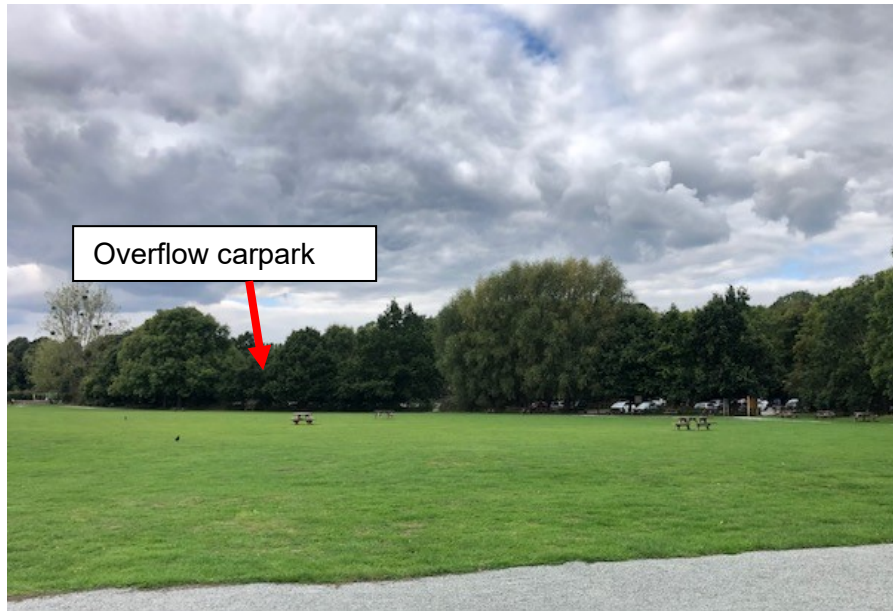
Teston Bridge overflow car park following resurfacing



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View of the overflow car park from Bridge Meadow



View of the overflow car park from Teston Bridge



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Planning Policy

10. The most relevant Government Guidance and Development Plan Policies in respect of this application are summarised below:

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

There is an expectation within the NPPF that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take into account the local circumstances, to reflect the character, needs and opportunities of each area. Furthermore, Local Planning Authorities should approach decision on proposed development in a positive and creative way and look for solutions rather than problems. Decision makers at every level should seek to approve applications for sustainable development where possible.

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

- Providing accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being (paragraph 8);
- Achieving healthy, inclusive and safe places which are safe and accessible and encourage active and continual use of public areas and enable and support healthy lifestyles (paragraph 92);
- Provide social, recreational and cultural facilities the community needs (paragraph 93);
- Provide access to a network of high quality open spaces and opportunities for sport and physical activity for the health and well-being of communities (paragraph 98);
- Consideration of whether impacts from the development on the transport network (in terms of capacity and congestion), or on highways safety, can be cost effectively mitigated to an acceptable degree (paragraph 110);
- Achieving the requirement for high quality design, creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130); and
- contributing to and enhancing the natural and local environment by protecting and enhancing sites of biodiversity (paragraph 174); and
- Consideration of the impact of a proposed development on a designated heritage asset, giving great weight to the asset's conservation (paragraph 199).

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(ii) **Development Plan Policies**

Maidstone Borough Local Plan (adopted October 2017)

Policy SS1 Maidstone Borough Spatial Strategy – Open spaces, rivers and watercourses and landscapes of local value will be conserved and enhanced.

Policy SP17 The Countryside - Development proposals within landscapes of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

Policy DM1 Principles of Good Design – Proposals would be permitted where they create designs and layouts that are accessible to all, respond positively to, and where possible enhance, the local, natural or historic character of the area, create high quality public realm, provide a high quality design which responds to areas of landscape value, protect and enhance biodiversity features, avoid inappropriate new development within areas at risk from flooding and provide adequate vehicular parking.

Policy DM3 Natural Environment – Proposals should protect positive landscape character and avoid damage to locally designated sites of importance for biodiversity. For locally designated sites (including draft published sites), development likely to have an adverse effect will be permitted only where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site.

Policy DM4 Development affecting designated and non-designated heritage assets- New development affecting a heritage asset must incorporate measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.

Policy DM30 Design principles in the countryside - Proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted where the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features and impacts on the appearance and character of the landscape would be appropriately mitigated.

Maidstone Borough Council Local Plan Review 2021

This is a review of the 2017 Local Plan. It is not yet adopted but was submitted to the Planning Inspector for examination in March 2022. Given the stage of the local plan process, limited weight should be afforded to the emerging policies. The relevant policies are:

Policy LPRSS1 Maidstone Borough Spatial Strategy 2022-2037 - Open spaces, rivers and watercourses and landscapes of local value will be conserved and enhanced.

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Policy LPRSP9 Development within the Countryside – Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the rural character and appearance of the area.

Policy LPRSP14(A) Natural Environment - Proposals should protect positive landscape character and avoid damage to locally designated sites of importance for biodiversity. For locally designated sites (including draft published sites), development likely to have an adverse effect will be permitted only where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site.

Policy LPRSP14(B) The Historic Environment - New development affecting a heritage asset must incorporate measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.

Policy LPRSP15 Principles of Good Design - Proposals would be permitted where they create designs and layouts that are accessible to all, respond positively to, and where possible enhance, the local, natural or historic character of the area, create high quality public realm, provide a high quality design which responds to areas of landscape value, protect and enhance biodiversity features, and provide adequate vehicular parking.

Policy LPRQ&D 4 Design Principles in the Countryside - The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.

Consultations

11. **Maidstone Borough Council** raise no objection to the proposals. They consider that whilst the materials used to resurface the works are obtrusive, the proposed works are acceptable in terms of visual amenity and impact upon the Medway Valley Landscape of Local Value due to the accessibility it provides to the Country Park, although some additional screening may usefully be imposed. They state that the works serve a need to ensure sufficient access to the Country Park and the screening afforded from the mature trees on the application site boundary mitigate any visual impact. They would however support the implementation of further screening along the application site boundary.

Teston Parish Council object to the proposal due to concerns over flood risk, biodiversity, heritage and visual impact. They also do not consider there is an established need for the development and feel it would be more appropriate for Maidstone Borough Council to determine the application. They also raise criticism over the retrospective nature of the planning application.

Environment Agency raise no objection and provide standard advice on sustainable development, land contamination and controlled waters.

KCC Highways and Transportation raise no objection.

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KCC Biodiversity raise no objection and advise that they would have been unlikely to request ecological information to be submitted as part of the application as only short, regularly mown areas of grass have been cleared to facilitate the works. They do however state that they would have recommended the area of vegetation within the middle of the parking area was retained and enhanced to provide habitat to benefit biodiversity and support connectivity throughout the site.

Upper Medway Internal Drainage Board did not submit a response.

KCC Conservation Officer raises no objection, note that there is a WWII pill box to the west of the car park but do not believe this would be impacted.

KCC Sustainable Drainage have no comments to make on the application and consider it to be low flood risk.

Network Rail raise no objection to the proposal.

Historic England state they have no comments to make, they defer to the advice of KCC Conservation officers.

Local Member

12. The local County Member for Maidstone Rural West, Mr Simon Webb, was notified of the application on 8 August 2022. No comments have been received to date.

Publicity

13. The application was publicised by the posting of a 4 site notices throughout the Country Park and at the main vehicular access from the public highway and an advertisement in a local newspaper. The application was also publicised under Article 16 of the Town and Country Planning (Development Management) (Procedures) Order 2015 as being within 10m of railway land.

Representations

14. No representations were received on the application from members of the public.

Discussion

15. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph 10 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case comprise need for the development, visual impact and impact on the landscape character, flood risk and biodiversity.

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16. The planning application has attracted one letter of objection (from Teston Parish Council) and referral to the Planning Applications Committee for determination is therefore necessary. However even if no letters of objection were received, the application would be required to be reported to the Planning Applications Committee as a result of governance requirements arising from the applicant, Kent Country Parks, and the Planning Applications Group both falling within the current management arrangement of the Growth and Communities Division of the Growth, Environment and Transport Directorate. In these circumstances legislation requires that the decision is taken by the Planning Applications Committee even if there were no letters of objection received.
17. The application is retrospective. The applicant was under the impression prior to the works taking place that the development benefited from permitted development rights and that a planning application was not necessary. Once the applicant was aware that planning permission was required, it submitted this application to test the planning merits of the proposal.

Design and justification for the development

18. The overflow car park forms an important function in reducing local traffic congestion and ensuring the country park remains as accessible as possible during busier periods. The resurfacing works have taken place in an area of land that was previously used as a car park so no loss of the main amenities of the park (i.e. the open fields, meadows or walking routes) has occurred, therefore the continuation of this use in this location is considered appropriate. The overflow car park is accessed from the main car park which is a logical arrangement and the material used for resurfacing matches that of the main car park which ensures visual continuity and is appropriate in this location.
19. In resurfacing the car park, no changes are proposed to the access or use of the parking area. There is no objection from the Highways and Transportation authority to the proposal.
20. Where the application site was previously an area of grass and made ground, the planning application introduces hard standing which improves the areas' useability during wet weather. The objection to the application questions the need for the development, stating that the busier periods when the overflow car park would be needed are infrequent and tend to occur when the ground is dry (i.e. the summer months) so the area wouldn't be so unpleasant to park in. Furthermore, they consider that if there was an issue with accessibility, then spaces could have been reserved in the main car park for those who need them.
21. The size of the car park remains the same in terms of surface area however the planning application formalises the creation of 140 car parking spaces. As there were no spaces marked out previously, the car park probably accommodated less than this in practice. Therefore, regardless of the ground conditions during busier periods, the works have promoted greater accessibility to the site. An arrangement whereby spaces could be reserved for those who need them is not considered viable in practice and therefore the resurfacing works are considered to be a suitable solution for ensuring those who wish to visit the country park by car are able to. Maidstone Borough Council support this point of view where the state that the overflow car park was inaccessible at certain times

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of the year due to rain and mud. The proposal is considered to be in accordance with Policy DM1 (and emerging policy LPRSP15) of the Maidstone Local Plan which requires developments to safely accommodate the vehicular and pedestrian movement as well as other local planning policy and the NPPF which require open spaces to be accessible.

Landscape and visual impact

22. The development falls within the Medway Valley Landscape of Local Value, characterised by the River Medway crossed by distinctive ragstone bridges and surrounded by steep valley sides. Teston Parish Council consider the development to be at conflict with this designation and state that the materials used for resurfacing are not sympathetic to the wider rural landscape. Whilst Maidstone Borough Council were overall supportive of the scheme due to it improving the accessibility of the site, they concurred with this point somewhat where they state that the materials used are “obtrusive”.
23. It is recognised that where an area of open field or grassland is resurfaced with hardstanding there is an impact upon the natural landscape of an area. In this case, greater consideration is given to this point due to the site being subject to a landscape designation and the proximity to the Listed Building and Scheduled Ancient Monument. However, the overflow carpark is heavily screened by a belt of trees and foliage and is situated next to the existing car park which is surfaced with the same material. Therefore, the impact is considered to be minimal when viewed in the wider context of the country park and surrounding area. Photos taken of the overflow car park from further away viewpoints such as the Public Right of Way and Teston Bridge, and even closer within the park itself demonstrate that the car park is heavily screened and does not, in my view, adversely impact the natural landscape setting. It is noted that Maidstone Borough Council agreed with this assertion where they accept that the car park is heavily screened on all boundaries. However, they do suggest that the screening may be enhanced and protected through the addition of planning conditions. Given the screening effect of existing landscaping along the car park boundary it is not considered necessary to require additional planting, but a condition is proposed to ensure that the existing screening is maintained.
24. There was also criticism by the Parish Council that the impact upon the landscape is greater when considered cumulatively with other resurfacing projects which have taken place across the park. This includes a temporary access road used by the Environment Agency for works to Teston Lock, which falls outside of the remit of the County Planning Authority and a number of pathways. The planning status of these paths is currently being considered and if need be planning permission will be sought. However, due to the natural screening afforded to the overflow car park, it is not considered that there is any adverse impact when considered alone or in conjunction with other projects on site. Therefore, I consider that the application does not conflict with the purpose of the landscape designation or local and national planning policy which intends to preserve the natural landscape.

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Flood Risk

25. The application site is within Flood Zone 3 which is designated by the Environment Agency as an area with a high probability of flooding. Within their objection, Teston Parish Council raise concern over the potential increased risk of flooding due to this development as a result of replacing a grassed area with hard surfacing, stating that the site has been subject flooding events in the past.
26. The application was accompanied by a Flood Risk Assessment which concludes that due to the materials used to resurface the car park, any increased water run off would be negligible and as the application does not introduce any impermeable area it would not result in any increased flood risk within the application site or elsewhere. The Environment Agency were consulted on the application and stated that they raise no objection. KCC Flood Risk Officers were also consulted as the Lead Local Flood Authority who stated they had no comment to make and consider the development to be of low risk in terms of flooding.
27. With this in mind, and due to a permeable material being used for the resurfacing, this application is not considered to represent inappropriate development within an area at risk of flooding which planning policies state should be avoided. Therefore, it is my view that the application should not be refused on flood risk grounds.

Heritage conservation

28. The application site is approximately 180 metres away from Teston Bridge, which is Grade 1 Listed Building and a Scheduled Ancient Monument. The bridge can be considered a focal point of the Country Park and represents the type of ragstone bridge which the landscape of the Medway Valley is noted for. Therefore, careful consideration must be given to ensure that any new development conserves, and where possible enhances, the significance of the heritage asset and, where appropriate, its setting. Heritage concerns were raised by Teston Parish Council over this specific point
29. Historic England were consulted on the planning application and advised that they had no comments to make, deferring the matter to our own conservation advisers. KCC Heritage Conservation were consulted on the application and advised that they raise no objection.
30. The overflow car park area is not highly visible from the bridge itself or in the wider site context. Due to the natural screening afforded to the application site it is not considered to adversely impact the setting of this designation and conserves the significance of the heritage asset. The application is therefore considered acceptable in regard to development plan policy.

Biodiversity

31. The application site is designated as a Local Wildlife Site (MA62). None of the three meadows were impacted by the works and the area existed as a car park prior to the resurfacing taking place. Furthermore, no boundary trees or hedgerows were removed to enable the scheme to go ahead. As such, it is not considered that the application would have an adverse impact on features of ecological importance. KCC Biodiversity

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Officers concurred with this point of view, stating that they would have been unlikely to require ecological information to be submitted as part of the application as only short and regularly mown areas of grass would have been removed.

32. KCC Biodiversity also state that they may have requested the area to the middle of the car park be retained and enhanced to promote ecological connectivity throughout the site. Whilst it is unfortunate that this cannot now be achieved, it is not considered that there would be any adverse impact on biodiversity such that the application should be refused.

Governance process

33. Within the objection from Teston Parish Council, criticism is made about KCC representing both the applicant and the determining authority suggesting that the application should be determined by Maidstone Borough Council. Whilst this is not a material planning concern, it should be noted that this is not an option available to the applicant under the provisions of the Town and Country Planning General Regulations 1992, which represents the statute that the application is to be determined under. The power to determine planning applications where a local authority requires planning permission for its own development is governed by Regulation 3 of the 1992 Regulations. This legislation is typically used for projects where the County Council intends to carry out development to meet its service requirements i.e. new school development or in this case the Country Park. Where a development falls within the remit of Regulation 3 of the 1992 Regulations, then an application needs to be made to the Council's planning authority and there is no discretion. This is the same planning process that is followed by every local authority wishing to carry out its own development.
34. This is accepted by Maidstone Borough Council who note in their response that Kent County Council is the appropriate determining authority, and that they represent a consultee in this case.
35. Finally, there was criticism over the application being submitted retrospectively. The applicant was under the impression prior to the works taking place that the development benefited from permitted development rights and that a planning application was not necessary. Once the applicant was aware that planning permission was required they submitted this planning application to test the planning merits of the proposal. The matter has been reported to the Regulation Committee and the applicant has been advised they must seek advice from the Planning Applications Group prior to undertaking any future works at the site. In determining the application, it must be considered on its merits in the context of the Development Plan policies and other material considerations regardless of the fact that it has been submitted retrospectively and the development has taken place.

Conclusion

36. The proposal seeks retrospective planning permission for the resurfacing of the overflow car park at Teston Bridge Country Park. The proposal improves the accessibility to the country park by ensuring that the overflow car park can be used to its full capacity all

Retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)

year round. No changes are proposed to the access or the use of the overflow parking area. The proposal is considered acceptable in terms of its siting and design, and is not considered to present any unacceptable adverse impact in terms of landscape, flood risk, biodiversity or heritage conservation.

37. The development is in accordance with the general aims and objectives of the relevant Development Plan Policies and the principles of the National Planning Policy Framework and therefore the recommendation is that planning permission be granted subject to a condition regarding the retention and maintenance of the planting to the car park boundaries to provide adequate screening.

Recommendation

38. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- Retention and maintenance of planting to the boundaries of the overflow car park. Any trees that are diseased or felled shall be replaced within the next planting season with native species to be agreed with the county planning authority.

Case Officer: Mrs Alice Short

Tel. no: 03000 413328

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.

- CA/99/599/R16B Application to vary the landscaping scheme previously approved under Condition 16 of planning permission CA/99/599.
Swalecliffe Wastewater Treatment Works, Brook Road, Swalecliffe, Kent CT5 2Q
Decision: Approved
- DA/23/492 Section 73 application to vary Condition 2 of planning permission DA/18/485 to extend the time in which to complete the infilling and restoration of the site until no later than 31 December 2023
Stone Pit 1, Cotton Lane, Stone, Dartford, Kent DA9 9ED
Decision: Permitted
- FH/22/1905 The variation of conditions A2, A4, C1, C10 and C12 of planning permission SH/17/338 to extend the date for the completion of sand and gravel extraction until 31 December 2025, extend the dates for the completion of the site restoration, the removal of all plant, machinery, equipment and buildings and the removal of the access to Kerton Road and the reinstatement of that land until 31 December 2026 and enable minor amendments to the restoration plan and outline aftercare scheme.
Denge Quarry, Kerton Road, Lydd, Kent, TN29 9NP
Decision: Permitted
- FH/23/874 Section 73 application to vary condition 2 of planning permission SH/16/803 to amend the permitted hours for tipping street cleansing arisings (i.e. bagged litterbin waste).
Veolia Environmental Ltd Waste Transfer Station, Ross Way Depot, Military Road, Folkestone, Kent CT20 3SP
Decision: Permitted
- MA/20/502817/RVAR Details of a Construction Management Plan (CEMP) (Condition 3) and details of a Foul & Sustainable Surface Water Drainage Scheme (Condition 17) pursuant to planning permission MA/20/502817 for a waste treatment facility.
Details of a Construction Management Plan (CEMP) (Condition 3) and details of a Foul & Sustainable Surface Water Drainage Scheme (Condition 17) pursuant to planning permission MA/20/502817 for a waste treatment facility
Decision: Approved

MA/23/501562	Variation of condition 2 of planning permission MA/21/504951 to amend the date for completion of restoration by a further period of 9 months (i.e. until 31 December 2023). Chilston Sand Pit, Sandway Road, Sandway, Maidstone, Kent ME17 2LU Decision: Permitted
MA/23/501564	Variation of condition 2 of planning permission MA/21/504944 to amend the date for completion of importation and stabilisation works and restoration by a further period of 9 months (i.e. until 31 December 2023). Chilston Sand Pit, Sandway Road, Sandway, Maidstone, Kent ME17 2LU Decision: Permitted
SE/21/947/RA	Non-material amendment to planning application SE/21/947 for the proposed alterations to the approved above ground rainwater storage tank and the vehicular access door sited on the northeast elevation of the approved building. Land at Dunbrik Depot, Main Road, Sundridge, Sevenoaks, Kent TN14 6EP Decision: Approved
SE/23/470	Section 73 application for the temporary relaxation of condition 13 of planning permission SE/90/1302 to permit the operation of the Waste Transfer Station on 7 April 2023 (Good Friday), 10 April 2023 (Easter Monday), 1 May 2023 (Early May Bank Holiday), 8 May 2023 (Coronation Bank Holiday), 29 May 2023 (Spring Bank Holiday) and 28 August 2023 (Summer Bank Holiday) to support the local kerbside waste collection service over this period. Dunbrik Waste Transfer Station, Main Road, Sundridge, Sevenoaks, Kent TN14 6EP Decision: Permitted
SE/23/1162	Section 73 application to vary conditions 1 (to allow an additional 8 months to complete the approved restoration of the landfill (i.e., by 31 December 2023)) and 8(h) (to update the timing of works required by the approved Ecological Mitigation Scheme Prescriptions to reflect the amended operational period) of planning permission SE/22/2322 Greatness Quarry, Bat and Ball Road, Sevenoaks, Kent TN14 5BP Decision: Permitted
SW/22/500629/R5	Details of a Sustainable Surface Water Drainage Scheme pursuant to condition 5 of planning permission SW/22/500629. Land off Great Basin Road, Port of Sheerness, Isle of Sheppey, Kent ME12 1SW Decision: Approved
SW/22/500629/RVAR	Details of a Construction Management Plan (CMP) (Condition 3) and details of a Construction Dust Management Plan (DMP) (Condition 4) pursuant to planning permission SW/22/500629. Land off Great Basin Road, Port of Sheerness, Isle of Sheppey, Kent ME12 1SW Decision: Approved

- SW/22/504031 Continued use of the waste management facility, demolition of existing in-vessel composting (IVC) tunnels, erection and use of a new building for shredding/screening of material permitted to be processed on the site, retrospective permission for the weighbridge office and variations to conditions 1, 3, 6, 7, 8, 10, 12, 16, 17, 24, 25, 26 & 29 of planning permission SW/13/1542 to allow a change to the approved site layout, the increase in imported material from 245,000 to 290,000 tonnes per annum, and an increase in combined HGV movements to 324 per day and the deletion of conditions 2, 9, 15, 19, 20, 21 & 22 of planning permission SW/13/1542.
Countrystyle Recycling Ltd, Ridham Dock, Ridham Dock Road, Sittingbourne, Kent, ME9 8SR
Decision: Permitted
- SW/22/505122 Construction of an extension to the existing Materials Recycling Facility (MRF) building.
Countrystyle Recycling Ltd, Ridham Dock Road, Iwade, Sittingbourne, Kent, ME9 8SR
Decision: Permitted
- TM/22/942 Continued operation of existing metals recycling facility, including retention of existing plant and buildings, the erection of new fixed plant, buildings and enclosures, an extension of working hours and an increase in permitted stockpile heights.
London Mining Associates Ltd, Unit 4, Invicta Park, New Hythe Lane, Larkfield, Aylesford, Kent ME20 7FG
Decision: Permitted
- TM/22/942/R4 Details of the design of the roof structure(s) constructed over the covered storage bays pursuant to Condition (4) of planning permission TM/22/942 for a metal recycling facility.
London Mining Associates Ltd, Unit 4, Invicta Park, New Hythe Lane, Larkfield, Aylesford, Kent ME20 7FG
Decision: Approved
- TM/23/703 Construction of new storage bays and workshop building (part retrospective).
In Vessel Composting Facility, Blaise Farm Quarry, Blaise Quarry Road, Kings Hill, West Malling, Kent ME19 4PN
Decision: Permitted

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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.

- KCC/AS/0028/2023 Demolition of an existing dangerously dilapidated 2no classroom modular canopy and replace with new 2no classroom modular and smaller canopy.
John Mayne Church of England Primary School, High Street, Biddenden, Kent, TN27 8AL
Decision: Permitted
- CA/23/0231 Proposed renovation, repairs, fenestration changes and thermal upgrades to existing office accommodation with improvements to access, levels, lighting and signage, along with part demolition of bus shelter.
Simon Langton Grammar School for Girls, Old Dover Road, Canterbury, Kent CT1 3EW
Decision: Permitted
- DA/19/1549/R17 Details of all proposed lighting including a lighting strategy that minimises the potential impact of lighting on foraging and commuting bats pursuant to Condition 17 of planning permission DA/19/1549.
Bluewater Shopping Centre, Bluewater Parkway, Dartford, Greenhithe, Kent DA9 9ST
Decision: Approved
- DO/20/1048/R6 Details of the permanent bus shelters pursuant to Condition 6 of planning permission DO/20/1048
Dover Fastrack - Land to the north of Dover and to the south of Whitfield, Kent
Decision: Approved
- DO/20/1048/R14 Details of a lighting strategy designed to meet the requirements of the lighting strategy within the Ecological Mitigation Strategy (WSP, July 2020) pursuant to Condition 14 of planning permission DO/20/1048.
Dover Fastrack - Land to the north of Dover and to the south of Whitfield, Kent
Decision: Approved
- DO/23/354 New external access ramp and entrance, replacement of the conservatory roofs with solid panels, additional glazing to the ground floor and repairs to curtain walling, roof repairs and louvre screens to new roof level plant and safety enclosure.
Dover Discovery Centre, Market Square, Dover, Kent, CT16 1PH
Decision: Permitted

DO/23/0528	<p>Section 73 application to vary condition 2 (schedule 1), 6, 7 and 34 of planning permission DO/19/1120 to amend the design for the alignment of the retaining wall with consequential amendments to the parking layout.</p> <p>Dover Grammar School for Boys, Astor Avenue, Dover, Kent CT17 0DQ</p> <p>Decision: Permitted</p>
DO/23/0528/R34	<p>Details of proposed tree and shrub planting pursuant to condition 34 of planning permission DO/23/0528.</p> <p>Dover Grammar School For Boys, Astor Avenue, Dover, Kent CT17 0DQ</p> <p>Decision: Approved</p>
DO/23/797	<p>Installation of additional 2.4m high security weldmesh fencing to the perimeter of the grounds at the rear of the school.</p> <p>The Elms School, Elms Vale Road, Dover, Kent CT17 9PS</p> <p>Decision: Permitted</p>
GR/21/0823/RVAR	<p>Details of the temporary teaching accommodation (Condition 3), details of a School Travel Plan (Condition 21) and details of a Verification Report pertaining to the surface water drainage system (Condition 22) pursuant to planning permission GR/21/0823 as amended by GR/23/0006.</p> <p>Gravesend Grammar School for Boys, Church Walk, Gravesend, Kent, DA12 2PR</p> <p>Decision: Approved</p>
GR/21/1060/R8	<p>Details of Verification Report pertaining to the surface water drainage system pursuant to Condition 8 of planning permission GR/21/1060.</p> <p>Gravesend Grammar School for Boys, Church Walk, Gravesend, Kent, DA12 2PR</p> <p>Decision: Approved</p>
GR/21/1060/R10	<p>Details of an ecological enhancement and management plan pursuant to Condition 10 of planning permission GR/21/1060.</p> <p>Gravesend Grammar School For Boys, Church Walk, Gravesend, Kent, DA12 2PR</p> <p>Decision: Approved</p>
GR/22/0110/R14	<p>Details of new external and security lighting, including for the car parking, access and circulation routes, setting out times and days of operation and details of the timers and light sensors to be installed pursuant to Condition 14 of planning permission GR/22/0110.</p> <p>Meopham School, Wrotham Road, Meopham, Gravesend, Kent DA13 0AH</p> <p>Decision: Approved</p>
GR/22/0110/R26	<p>Details of Electric Vehicle Charging Point pursuant to condition 26 of planning permission GR/22/0110.</p> <p>Meopham School, Wrotham Road, Meopham, Gravesend, Kent, DA13 0AH</p> <p>Decision: Approved</p>

- GR/23/599 Proposed addition of 2no. double modular temporary classroom units to be stacked on 2no. existing single storey modular units, required until July 2024.
Meopham School, Wrotham Road, Meopham, Gravesend, Kent DA13 0AH
Decision: Permitted
- GR/23/0603 Section 73 application to vary Condition 2 (Schedule 1) and Condition 6 (Construction) of planning permission GR/21/829 to substitute the approved Construction Management Plan with an updated version.
Thamesview School, Thong Lane, Gravesend, Kent DA12 4LF
Decision: Permitted
- GR/23/0603/R8 Details of the wall mounted lighting and any additional external site and security lighting including hours of use and levels of illumination pursuant to Condition 8 of planning permission GR/23/0603
Thamesview School, Thong Lane, Gravesend, Kent DA12 4LF
Decision: Approved
- MA/20/500047/R8(3) Details of a Verification Plan pursuant to Part 3 of Condition 8 of planning permission MA/20/500047.
Newnham Court Shopping Village, Bearsted Road, Weaving, Kent, ME14 5LH
Decision: Approved
- MA/20/500047/R13 Details of a native hedge and tree planting for the east side of the service road and details of a wildflower meadow on the site of the existing access road pursuant to Condition (13) of planning permission MA/20/500047.
Newnham Court Shopping Village, Bearsted Road, Weaving, Kent, ME14 5LH
Decision: Approved
- MA/21/504154/R4A Details of a site investigation scheme pursuant to Condition 4 (a) of planning permission MA/21/504154.
Newnham Court Shopping Village, Bearsted Road, Weaving, Kent, ME14 5LH
Decision: Approved
- MA/21/504154/R4BC Details of the results of the site investigation and detailed risk assessment (Condition 4b) and details of a verification plan (Condition 4c) pursuant to planning permission MA/21/504154.
Newnham Court Shopping Village, Bearsted Road, Weaving, Kent, ME14 5LH
Decision: Approved
- MA/21/504154/R8 Details of the drainage system for the infiltration of surface water drainage into the ground pursuant to condition (8) of planning permission MA/21/504154.
Newnham Court Shopping Village, Bearsted Road, Weaving, Kent, ME14 5LH
Decision: Approved

- MA/21/504154/R16 Details of landscape planting maintenance arrangements which shall include details and frequency of mowing for flowering lawn to create a wildlife meadow pursuant to Condition (16) of planning permission MA/21/504154.
Newnham Court Shopping Village, Bearsted Road, Weaving, Kent, ME14 5LH
Decision: Approved
- MA/21/504154/R21 Details of all street lighting (which should have regard to the location of nearby residential property and biodiversity matters and include the use of red filters as appropriate and be directed onto the location where lighting is needed), to include lux levels, location and hours of use pursuant to Condition (21) of planning permission MA/21/504154.
Newnham Court Shopping Village, Bearsted Road, Weaving, Kent, ME14 5LH
Decision: Approved
- MA/22/503012/R18 Details of piling or other foundation designs using penetrative methods pursuant to Condition 18 of planning permission MA/22/503012.
Maidstone Grammar School for Girls, Buckland Road, Maidstone, Kent ME16 0SF
Decision: Approved
- MA/22/503012/R21 Details of an Archaeological Evaluation and Written Scheme of Investigation pursuant to Condition (21) of planning permission MA/22/503012 (Partial discharge of condition only).
Maidstone Grammar School for Girls, Buckland Road, Maidstone, Kent ME16 0SF
Decision: Approved
- MA/22/503012/R21(ii) Details of an Archaeological Evaluation pursuant to Condition (21) of planning permission MA/22/503012
Maidstone Grammar School for Girls, Buckland Road, Maidstone, Kent ME16 0SF
Decision: Approved
- MA/23/500364 Construction of a single-storey, multi-use classroom block with kitchen and toilets.
The Cedars, 8 Bower Mount Road, Maidstone, Kent, ME16 8AU
Decision: Permitted
- MA/23/502577 The improvement of the existing internal school access to provide two-way traffic flow.
Five Acre Wood School, Boughton Lane, Maidstone, Kent ME15 9QF
Decision: Permitted

MA/23/503114	<p>Retrospective Section 73 application to vary condition 2 of planning permission MA/20/501906 seeking approval for the relocation of a fixed ladder with safety cage and two heat recovery units to the side elevation; the replacement of the approved arched lintel over door and window WG08 with a straight lintel; the omission of the approved window WG07; the appearance of door and window WG08, and to confirm the installation and location of the external lighting on the side elevation</p> <p>Oakwood House, Oakwood Park, Tonbridge Road, Maidstone, Kent ME16 8AE</p> <p>Decision: Permitted</p>
SE/23/1691	<p>Proposed replacement of existing 1.8m high weld-mesh fencing with 2.4m high weld-mesh fencing along the eastern and part southern boundary, and 2.4m high fencing reducing to 2m high fencing along part of the northern boundary</p> <p>Riverhead Infants School, Worships Hill, Riverhead, Sevenoaks, Kent, TN13 2AS</p> <p>Decision: Permitted</p>
SW/21/504168/R	<p>Non-material amendment to planning permission SW/21/504168 to omit the roof lights and to update the external stair to remove galvanised steel enclosure.</p> <p>Borden Grammar School, Avenue of Remembrance, Sittingbourne, Kent ME10 4DB</p> <p>Decision: Approved</p>
SW/21/504168/R3A	<p>Details of the external materials schedule pursuant to Condition 3 of planning permission SW/21/504168 (amendment to window/cladding colour previously approved).</p> <p>Borden Grammar School, Avenue of Remembrance, Sittingbourne, Kent ME10 4DB</p> <p>Decision: Approved</p>
SW/21/505738/R5	<p>Details of Stage 1 and 2 Road Safety Audit pursuant to condition (5) of planning permission SW/21/505738.</p> <p>A249 Grovehurst Road Junction, Sittingbourne, Kent, ME10 2FF</p> <p>Decision: Approved</p>
SW/21/505738/R9	<p>Details of a Written Scheme of Investigation for an Archaeological Evaluation pursuant to Condition 9 (Part ii) of planning permission SW/21/505738 (partial discharge of condition only).</p> <p>A249 Grovehurst Road Junction, Sittingbourne, Kent, ME10 2FF</p> <p>Decision: Approved</p>
SW/23/502005	<p>Proposed installation of x3no. 4-metre-high lighting posts and LED lights with associated cabling, and replacement of existing fencing within the carpark.</p> <p>KCC Swale Local Office, Avenue of Remembrance, Sittingbourne, Kent ME10 4DD</p> <p>Decision: Permitted</p>

SW/23/502144	<p>Temporary Modular Classroom Block. Borden Grammar School, Avenue of Remembrance, Sittingbourne, Kent ME10 4DB Decision: Permitted</p>
TH/18/467/RA	<p>Non-material amendment to planning permission TH/18/467 to make minor changes to the sports pavilion to modular construction, including changes to the roof form, window positions and door positions. Non-material amendment to planning permission TH/18/467 to make minor changes to the sports pavilion to modular construction, including changes to the roof form, window positions and door positions. Foreland Fields School, Newlands Lane, Ramsgate, Kent CT12 6RH Details: Approved</p>
TH/18/467/R3	<p>Details of external materials pursuant to condition 3 of planning permission TH/18/467. Foreland Fields School, Newlands Lane, Ramsgate, Kent CT12 6RH Decision: Permitted</p>
TH/19/1696/R17	<p>Details of a Verification Report pertaining to the surface water drainage system pursuant to Condition 17 of planning permission TH/19/1696. Land to the north and south of the A299 (Hengist Way) and to the east of the A256 (Richborough Way), including an existing railway line and part of the existing A299, Cliffsend, Kent (Thanet Parkway Station) Decision: Approved</p>
TH/23/0116/R4	<p>Details of the external materials, including colour finishes of the fencing, storage containers, canopy, resin bound gravel and bonded rubber mulch pursuant to Condition 4 of planning permission TH/23/0116. Foreland Fields School, Newlands Lane, Ramsgate, Kent CT12 6RH Decision: Approved</p>
TM/19/2964/R16&25	<p>Details of a Verification Report pertaining to the surface water drainage system (Condition 16) and details regarding the proposed Community Use of the school's indoor and outdoor sports facilities and school hall (Condition 25) of planning permission TM/19/2964 Land North of Platinum Way, St Mary's Platt, Sevenoaks, Kent, TN15 8JE Decision: Approved</p>
TM/21/2632/R8	<p>Details of a Landscape & Ecological Management Plan (LEMP) pursuant to Condition 8 of planning permission TM/21/2632. Land at Quarryman's Road, Kings Hill, West Malling, Kent ME19 4PN Decision: Approved</p>
TM/22/2768	<p>Section 73 application to vary condition 10 of planning permission TM/21/2632 to update the landscape drawing to address biodiversity requirements. Land at Quarryman's Road, Kings Hill, West Malling, Kent ME19 4PN Decision: Permitted</p>

TW/22/748/R7	<p>Details of a lighting plan for biodiversity pursuant to Condition (7) of planning permission TW/22/748. Broomhill Bank School, Broomhill Road, Tunbridge Wells, Kent TN3 0TB Decision: Approved</p>
TW/22/3310/R9	<p>Details of a Sustainable Surface Water Drainage Scheme for the site pursuant to Condition 9 of planning permission TW/22/3310. Bidborough Primary School, Spring Lane, Bidborough, Tunbridge Wells, Kent TN3 0UE Decision: Approved</p>
TW/22/3310/R7&R13	<p>Details of Biodiversity Enhancement Plan (Condition 7) and details of Construction Environmental Management Plan (Condition 13) pursuant to planning permission TW/22/3310. Bidborough Primary School, Spring Lane, Bidborough, Tunbridge Wells, Kent TN3 0UE Decision: Approved</p>
TM/23/0187/R13	<p>Details of a scheme to secure a long-term monitoring strategy pertaining to the surface water drainage system pursuant to Condition 13 of planning permission TM/23/0187. Land at Quarryman's Road, Kings Hill, West Malling, Kent ME19 4PN Decision: Approved</p>
TM/23/1239	<p>Construction of a single-storey extension to the south elevation and construction of a single-storey extension to the north-east elevation St Peters Church of England Primary School, Mount Pleasant, Aylesford, Kent ME20 7BE Decision: Permitted</p>
TW/20/3514/R11	<p>Details of a Travel Plan pursuant to Condition 11 of planning permission TW/20/3514 Tunbridge Wells Boys Grammar School, St Johns Road, Tunbridge Wells, Kent TN4 9XB Decision: Approved</p>
TW/23/489	<p>Demolition of the existing stand-alone timber mobile classroom unit to the rear of the main school building and installation of a new modular single classroom building in the same location. Capel Primary School, Five Oak Green Road, Five Oak Green, Tonbridge, Kent, TN12 6RP Decision: Permitted</p>
TW/23/489/R5	<p>Details of Construction Management Plan pursuant to Condition 5 of planning permission TW/23/489. Capel Primary School, Five Oak Green Road, Five Oak Green, Tonbridge, Kent, TN12 6RP Decision: Approved</p>
TW/23/1896	<p>Construction of a timber outside teaching space with polycarbonate sheet roofing. St Barnabas C of E Primary School, Quarry Road, Tunbridge Wells, Kent, TN1 2EY Decision: Approved</p>

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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/SCR/AS/0048/2023 - Request for a Screening Opinion as to whether a proposed underground 3m long storm tank to increase storm storage capacity requires an Environmental Impact Assessment.
Reading Street Wastewater Treatment Works, Old Barrack Farm, Acton Lane, Tenterden, Kent TN30 5RP

KCC/DA/0056/2023 - Section 73 application to vary Condition 2 of planning permission DA/18/485 to extend the time in which to complete the infilling and restoration of the site until no later than 31 October 2023.
Stone Pit 1, Cotton Lane, Stone, Dartford, Kent DA9 9ED

KCC/SCR/FH/0027/2023 - Request for a Screening Opinion as to whether the proposed installation of a 0.25MW ground mounted solar photovoltaic (PV) array development to provide electricity to the existing operational New Romney Treatment Works requires an Environmental Impact Assessment.
New Romney Wastewater Treatment Works, Station Approach, Littlestone, New Romney, Kent TN28 8LU

KCC/SCR/GR/0126/2023 - Request for a Screening Opinion as to whether the proposal to increase storm storage capacity requires an Environmental Impact Assessment
Gravesend Wastewater Treatment Works (WTW), Range Road, Denton, Gravesend, Kent, DA12 2QF

KCC/MA/0044/2023 - Variation of condition 2 of planning permission MA/21/504944 to amend the date for completion of importation and stabilisation works and restoration by a further period of 9 months (i.e. until 31 December 2023).
Chilston Sand Pit, Sandway Road, Sandway, Maidstone, Kent ME17 2LU

KCC/SE/0058/2023 - Section 73 application to vary conditions 1 (to allow an additional 8 months to complete the approved restoration of the landfill (i.e., by 31 December 2023)) and 8(h) (to update the timing of works required by the approved Ecological Mitigation Scheme Prescriptions to reflect the amended operational period) of planning permission SE/22/2322.
Greatness Quarry, Bat and Ball Road, Sevenoaks, Kent TN14 5BP

KCC/SCR/TH/0172/2022 - Request for a Screening Opinion as to whether the proposed solar photovoltaic array requires an Environmental Impact Assessment.
Weatherlees Hill Wastewater Treatment Works, Jutes Lane, Weatherlees Hill, Ramsgate, Kent, CT12 5DJ

KCC/SCR/TM/0133/2023 - Request for a Screening Opinion as to whether the construction of three new storm tanks to increase storm storage capacity requires an Environmental Impact Assessment
Ham Hill Wastewater Treatment Works, Brook Lane, Snodland, Kent, ME6 5JX

KCC/SCR/TW/0021/2023 – Request for a Screening Opinion as to whether the proposed installation of a 0.72 MW ground mounted solar photovoltaic (PV) array development to provide renewable electricity to the existing operational Tunbridge Wells South Wastewater Treatment Works requires an Environmental Impact Assessment
Tunbridge Wells South Wastewater Treatment Works, Broom Lane, Groombridge, Tunbridge Wells South, Kent, TN3 9JL

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

None.

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

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

Background Documents -

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

KCC/SCO/TH/0042/2023 - Request for a Scoping Opinion to determine the information to be provided in an Environmental Statement to accompany a planning application for the North Thanet Link highway scheme.
North Thanet Link Scheme to the south of Margate, Kent

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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 Application TM/23/01418/EASP - Request for an EIA Scoping Opinion at Development Site Land East of Kiln Barn Road and West of Hermitage Lane Aylesford Kent

County Council's response to Tonbridge & Malling Borough Council on the above.

F2 Application 21/02146/AS - Land at Eureka Business Park, Trinity Road, Boughton Aluph, Kent

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

F3 Levelling up and Regeneration Bill: Reforms to National Planning Policy Consultation

County Council's response to Department for Levelling Up, Housing and Communities on the above.

F4 Examination (Stage 2) of the Maidstone Borough Council (MBC) Local Plan Review.

Kent County Council Hearing Statement for Maidstone Local Plan Examination Stage 2

F5 Thanington Neighbourhood Plan Consultation

KCC response to Thanington Parish Council on the above.

F6 Application Y19/0257/FH - Otterpool Park Development Ashford Road Sellindge Kent

KCC response to Folkestone & Hythe District Council on the above.

F7 Broadstairs & St Peter's Neighbourhood Plan 2nd Edition Reg 16 Consultation

KCC response to Thanet District Council on the above.

F8 Winterbourne Fields, Dunkirk Scoping Opinion

KCC response to Swale Borough Council on the above.

F9 Application TW/23/00086 - Land west of Queen St, Paddock Wood

KCC response to Tunbridge Wells Borough Council on the above

F10 Application 23/00091/FULL - Land West of Queen Street, Paddock Wood

KCC response to Tunbridge Wells Borough Council on the above.

F11 Application 23/00118/HYBRID - Land West of Queen Street, Paddock Wood

KCC response to Tunbridge Wells Borough Council on the above.

F12 Maidstone Borough Council Gypsy, Traveller and Travelling Showpeople Development Plan Document

KCC response to Maidstone Borough Council on the above.

F13 High Halstow Neighbourhood Plan Regulation 16 Consultation

KCC response to Medway Council on the above.

F14 Arches Chatham Neighbourhood Plan Regulation 16 Consultation

KCC response to Medway Council on the above.

F15 Capel Parish Neighbourhood Plan Reg 14 Consultation

KCC response to Capel Parish Council on the above.

F16 Technical Consultation on the Infrastructure Levy

KCC response to Department for Levelling Up, Housing and Communities on the above.

F17 Environmental Outcomes Report

KCC response on the above

F18 Maidstone Design and Sustainability Reg 18 Consultation

KCC response to Maidstone Borough Council on the above

F19 Bridge Neighbourhood Plan Reg 16 Consultation

KCC response to Canterbury City Council on the above.

F20 District Local Plan - Sustainability Appraisal Consultation

KCC response to Dover District Council on the above.

F21 Aldington and Bonnington Reg 14 Consultation

KCC response to Aldington & Bonnington Parish Council on the above.

F22 Application OL/TH/23/0685 – Land on north-east side of Nash Rd, Margate

KCC response to Thanet District Council on the above.

F23 Informal Consultation on the Maidstone Borough Council Town Centre Strategy

KCC response on the above.

F24 Headcorn Neighbourhood Plan Regulation 14 Consultation

KCC response to Headcorn Parish Council on the above.

F25 Fawkham Neighbourhood Plan Regulation 14 Consultation

KCC response to Fawkham Parish Council on the above.

F26 Pluckley Neighbourhood Plan Review Regulation 16 Consultation.

KCC response to Ashford Borough Council on the above.

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**Tonbridge & Malling Borough Council**

Development Control
Gibson Building
Gibson Drive
Kings Hill
West Malling, Kent
ME19 4LZ

Highways and Transportation

Kroner House
Eurogate Business Park
Ashford
TN24 8XU

Tel: 03000 418181

Date: 4 August 2023

Our Ref:

Application - TM/23/01418/EASP

**Location - Development Site Land East Of Kiln Barn Road And West Of Hermitage Lane
Aylesford Kent**

**Proposal - Request for an EIA Scoping Opinion under Town and Country Planning
(Environmental Impact Assessment) Regulations 2017 (as Amended)**

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

The Environmental Impact Assessment Scoping Report provided as part of this application identifies that a Transport Assessment (TA), stated within paragraph 6.8, will be provided with any future planning applications. KCC Highways regard the submission of a detailed TA to be essential in enabling the cumulative transport related impacts of the proposed development, up to 1,600 dwellings, to be properly understood.

The TA should include, but is not necessarily limited to, the following key items:

- An assessment of the existing transport networks and infrastructure.
- Robust forecasting of the likely trip generation and distribution impacts of the proposals.
- Detailed assessments, including junction capacity modelling, of the forecasted impacts in the context of the existing network. These assessments should consider road safety as well as highway capacity.
- Evidence to demonstrate how the proposed mitigation measures will address any potentially significant or severe impacts.

The Applicant has already initiated discussions with KCC Highways regarding the scope and content of the TA, as part of the Pre-Application Advice process. KCC Highways have asked the applicant to fully assess the impact of development on the constraints of Hermitage Lane and routing on the local and strategic network. The applicant is considering using the Kent Transport Model to run option testing. This communication will be an ongoing process.

It is recommended that the TA should be accompanied by a Framework Travel Plan (FTP). The applicant has confirmed as part of paragraph 15.7 of EIA that this will be the case. The

applicant will also provide a Construction Management Plan as part of any future application to enable the highway authority to understand phasing, construction vehicle routing, etc.

In conclusion, subject to the above comments, the proposed EIA scoping assessment methodology outlines a suitable approach for testing the environmental impacts of the proposed development from a transport perspective.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Yours Faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

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Ashford Borough Council

Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

Highways and Transportation

Kroner House
Eurogate Business Park
Ashford
TN24 8XU

Tel: 03000 418181

Date: 17 July 2023

Our Ref: MH

Application - 21/02146/AS

Location - Land at Eureka Business Park, Trinity Road, Boughton Aluph, Kent

Proposal - Outline planning application for the development of up to 375 dwellings, up to 34,869m² commercial floorspace (comprising 31,269m² of class E(g)(i) and E(g)(ii) and 3,600m² of flexible Class E floorspace), open space, and associated infrastructure including a Wastewater Treatment Plant with all matters reserved for future consideration aside from access (excluding internal circulation). Note this is an EIA application accompanied by an Environmental Statement.

Thank you for the consultation on the transport technical note dated 14th July 2023 on the Ashford Borough Council planning website. I have the following comments to make in respect of highway matters:

Stage 1 Road Safety Audit

A Stage 1 Road Safety Audit of the proposed Drivers Roundabout mitigation scheme has been completed. This also includes the updated proposals for the A251 Trinity Road / Lower Pemberton junction and the A251 Trinity Road / Nicholas Road roundabout. A Designer's Response to all of the issues raised within the audit has also been completed. This is now acceptable to KCC Highways and Transportation.

A251 Trinity Road / Nicholas Road Roundabout

Additional capacity is now being proposed at this roundabout in the form of increasing the inscribed circle diameter (ICD) of the roundabout from 41.0m to 47.5m. The circulatory has been increased from 7.3m to 8.0m to allow for two lanes of traffic. Two lanes of entry and exit are also shown on both the Trinity Road north and south arms, to allow for all 'ahead' movements to utilise both lanes. The mitigation scheme can be found in Appendix C of the technical note. This scheme mitigates the impact of the development and is acceptable to KCC Highways and Transportation. Given that this roundabout junction will be operating in excess of capacity in a 2026 Do Nothing scenario these works are required to be implemented prior to the 1st occupation of any development on site.

Updated Mitigation Plans

The final improvement plan for the A251 Trinity Road / Thomson Road / Bradfield Road /

Rutherford Road roundabout, along with the proposed Toucan crossing on Trinity Road, is included at Appendix E. This is acceptable to KCC Highways and Transportation.

A251 Trinity Road / Faversham Road Signalised Junction

The footway on the eastern side of the A251 Trinity Road has been widened to 2.3m to ensure that the effective width of the footway is no less than 2.0m with the guard railing in place. The updated drawing and associated swept path analysis is included at Appendix F. This is acceptable to KCC Highways and Transportation.

I now have no objections to the application subject to the following planning conditions / Section 106 Legal Agreement being attached to any planning permission granted:

Planning Conditions

1) Submission and approval of a Construction Management Plan before the commencement of each phase of development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

2) Any application for reserved matters shall show adequate land, reserved for parking to meet the needs of the development and in accordance with the Ashford Local Plan parking standards or any adopted guidance or policy which may have superseded it. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings to which it relates are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area.

3) No building / dwelling shall be occupied until space has been laid out within that site for bicycles to be parked under cover for commercial uses and both secure and undercover for residential uses in accordance with details that shall have been submitted to and approved by the Local Planning Authority. Such cycle parking facilities shall subsequently be retained available for use by staff and visitors to the commercial units and for residents for residential properties.

4) Unless otherwise agreed with the Local Planning Authority, reserved matters applications for all commercial buildings with a floorspace of 2,500sqm or more should demonstrate how building users may access cycle changing/shower/drying and locker facilities. No commercial building with a floorspace of 2,500sqm or more shall be occupied until the approved facilities have been provided for that building (whether in that building or in an adjoining one or in a centralised facility within the site) in accordance with details that shall have been submitted to and approved by the Local Planning Authority and these facilities shall subsequently be retained available for use by staff and visitors to the premises.

5) (A) Prior to the first occupation of any dwelling at the site, a Framework Residential Travel Plan (F RTP) shall have been submitted to and approved in writing by the Local Planning Authority. The F RTP shall set the long term management arrangements for the F RTP.

(B) Prior to the first occupation of any commercial building at the site, a Framework Commercial

Travel Plan (FCTP) shall have been submitted to and approved in writing by the Local Planning Authority. The FCTP shall include the overarching Travel Plan approach for that part of the site and establish a threshold, above which occupiers of floorspace are required to produce an individual Workplace Travel Plan taking forward the content of the FCTP and below which are required to adopt and work towards the targets and objectives of the FCTP via a pro-forma/template contained within the FTP.

6) Within 8 months of first occupation of a building or any part of a building of a size identified in the FTP as necessitating a Workplace Travel Plan (WTP), a WTP for the occupier of that floorspace that accords with Best Practice and the principles of (i) encouraging sustainable movement and (ii) reducing the reliance on the private motor vehicle as set out in the NPPF and builds on baseline survey work carried out by the occupier within a maximum 6 months of first occupation shall have been submitted to and (following consultation with the local highway authority) be approved by the Local Planning Authority.

WTPs shall contain: (a) Details of measures designed to achieve and maintain an appropriate target modal split of travel to and from that building, (b) The contact details of an individual who will be appointed as WTP Co-ordinator within his/her job description and who will act as the contact point for the Local Planning Authority and the measures set out within the WTP, (c) A mechanism for information to be provided to the Local Planning Authority annually (or as agreed in writing) as to the implementation of the measures set out in the WTP, and (d) Proposed measures to maintain the appropriate modal split for the site and to monitor the performance of the WTP and appropriate measures to cover against failure to meet the agreed targets. The agreed WTP for each occupier shall subsequently be implemented in full within 3 months of written approval by the Local Planning Authority and thereafter shall be maintained unless otherwise agreed in writing by the Local Planning Authority.

7) Before the first occupation of each building forming part of the development, the following works between that area and the adopted highway shall be completed:

- (a) Footways/cycleways, with the exception of the wearing course,
- (b) Carriageways, with the exception of the wearing course, including the provision of agreed turning facilities together with related highway drainage, including off-site works,
- (c) Junction visibility splays, street lighting, street nameplates and highway structures if any.

The relevant wearing courses shall be completed within one year of the first occupation of the relevant building and the works as completed shall thereafter be retained and maintained.

8) Prior to the occupation of any built development, details and a timetable shall be submitted to and approved by the Local Planning Authority in writing for the provision of bus stops along the spine road which shall incorporate bus shelters, bus border kerbs and real time information displays. Details of their maintenance shall be provided at the same time. Such works shall be carried out to the approved timetable and in accordance with the approved details unless the Local Planning Authority otherwise agrees in writing. The bus stops & displays shall be maintained in accordance with the approved details unless the Local Planning Authority otherwise agrees in writing.

9) Prior to the occupation of any built development, the highway improvement works to the Trinity Road / Nicholas Road roundabout and Trinity Road / Lower Pemberton junction (as shown in drawing 14382-H-09 Revision P3) shall be completed and opened for use by the travelling public.

10) Prior to the occupation of any commercial development, the highway improvement works to Drivers Roundabout (as shown in drawing 14382-H-12 Revision P1) shall be completed and opened for use by the travelling public.

11) Prior to the occupation of any built development, the highway improvement works to the

Faversham Road / Trinity Road traffic signal junction (as shown in drawing 14382-H-08 Revision P3) shall be completed and opened for use by the travelling public.

12) Prior to the occupation of any commercial development, the highway improvement works to the Trinity Road / Thomson Road / Rutherford Road / Bradfield Road roundabout (as shown in drawing 14382-H11 P3) shall be completed and opened for use by the travelling public.

13) Prior to the occupation of any commercial development, the A28 Chart Road improvement works between Tank and Matalan roundabouts shall be completed and opened for use by the travelling public.

14) Prior to the occupation of any commercial development, the M20 Junction 9 improvements works (as set out in Otterpool Park planning application Y19/0257/FH) shall be completed and opened for use by the travelling public.

15) Prior to the occupation of any built development, the highway improvement works consisting of the 4 metre wide shared footway / cycleway on the western side of Trinity Road from Nicholas Road and Toucan crossing across Trinity Road (as shown in drawing 14382-H11 P3) shall be completed and opened for use by the travelling public.

Section 106 Requirements

Public Transport Improvements - The full length of the loop road will need to be implemented prior to occupation of the 150th dwelling which is required to allow buses to access the site. A Section 106 contribution will be required for a period of 7 years. Discussions with colleagues in the public transport team at KCC Highways and Transportation have taken place and it can be confirmed that a contribution of £230,000 per annum over a 7 year period is required, payable from the 150th dwelling, therefore a total contribution of £1.61 million is required.

Framework Travel Plan - The required residential and commercial travel plans should be secured through the Section 106 Legal Agreement for the site. KCC Highways and Transportation will require a robust monitoring regime over a 10 year period (from the date of the occupation of the 100th dwelling or after the occupation of 8,000 square metres of employment floor space whichever is earlier) so that the number of vehicle movements associated with the development can be assessed yearly over a 10 year period to ensure that the actual number of movements is not greater than those predicted in the Transport Assessment. Should vehicle movements be greater than predicted for the commercial development then there will need to be financial penalties (Between 1 and 20 additional movements £3,000 per additional vehicle movement in the AM and PM peaks, 21+ £5,000 per additional movement in the AM and PM peaks) to further encourage the use of sustainable transport to and from the site. Therefore on-site multi-modal counts will be required at the vehicle and pedestrian site access points at yearly periods over that 10 year monitoring period. Upon final occupation of the last dwelling on-site and all of the proposed employment floorspace the applicant will be required to undertake a fully complaint TRICS survey for the site including for the proposed residential and non-residential uses. This should be sent to TRICS for validation to enable this site to be uploaded to the TRICS database. A £10,000 monitoring fee (£1,000 per annum over a 10 year period) is required so that KCC Highways and Transportation can effectively monitor the travel plan to ensure that the initial trip rates are met.

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Yours Faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

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Planning Policy Consultation Team
 Planning Directorate – Planning Policy
 Division
 Department for Levelling Up, Housing and
 Communities
 Floor 3, Fry Building
 2 Marsham Street
 London
 SW1P 4DF

BY EMAIL ONLY

Growth and Communities

Invicta House
 County Hall
 Maidstone
 Kent
 ME14 1XX

Phone: 03000413320
 Ask for: Simon Jones
 Email: simon.jones@kent.gov.uk

2nd March 2023

Dear Sir/Madam,

Re: Levelling up and Regeneration Bill: Reforms to National Planning Policy

Kent County Council would like to thank you for the opportunity to comment on the planning reforms.

Kent County Council has long supported the Government's growth ambitions and is in support of the proposals to improve the planning system. However, the County Council would like to take the opportunity to express its concerns on some of the proposed changes, with the intention of ensuring that they would be recognised and addressed through the National Planning Policy Framework (NPPF) changes and the amended Levelling-Up and Regeneration Bill.

Firstly, the County Council would like to make it clear that whilst it is supportive of the Government's growth ambitions, they must be supported by the appropriate and timely delivery of infrastructure. There has been a significant amount of growth across Kent which has not been supported nor enhanced by infrastructure. This is due in the main to a lack of funding, development viability issues and a planning system that does not currently work. The County Council would therefore ask that the national legislation and guidance set out in the Bill and the NPPF, help the County Council to deliver its Infrastructure First approach to housing and economic growth. This will ensure that growth will be properly supported and benefit existing and future residents, communities and businesses across Kent.

Secondly, the current situation with Developer Contributions, including the Community Infrastructure Levy, does not provide adequate infrastructure and at the right time to support growth in Kent. The County Council is therefore concerned that the proposed changes, namely the Infrastructure Levy will potentially secure less funding - if ever- that is necessary to unlock economic and housing growth in Kent.

Thirdly, the County Council is extremely concerned that the proposed changes being brought forward, do not lay out a clear role for county councils. The changes do not help the County Council to support the new and existing communities by providing appropriate local and strategic infrastructure to support good growth or to support long term county wide strategic planning.

Fourthly, the loss of the Duty to Co-operate (a legal test) and its replacement with an 'Alignment Policy' appears to further water down the role for county council's. We would therefore ask that the new legislation would make such a role clear and to recognise the county council's as sub-national strategic plan makers and also as a critical co-ordinator and deliverer of infrastructure and services.

Finally, the County Council would also like to highlight that some of the changes proposed, such as bringing forward Local Plans, understanding Carbon Assessments and dealing with irresponsible behaviour will mean that Local Authorities will need to be far better resourced with funding and training. The County Council therefore asks that this is recognised and provided for in any further changes that come forward.

Our approach is good growth with the right infrastructure first and we would ask that this is fully recognised, reinforced, and reflected in all legislation coming forward.

Yours sincerely,



Simon Jones
Corporate Director of Growth, Environment and Transport

Kent County Council's Response to the Governments reforms to National Planning Policy

The County Council is supportive of growth and an effective plan led system and therefore appreciates the opportunity to be able to comment on the proposed changes.

The County Council has provided comments on the Consultation below:

Chapter 1 – Introduction

Within the introductory narrative there is an emphasis upon creating 'beautiful, homes and new neighbourhoods. The County Council would ask that this focus be widened and therefore look to create beautiful, well-designed spaces, which are resilient to climate change and to support new and existing communities. The County Council is a strong advocate for an infrastructure first approach to development and would recommend that it be made clear in national policy that all growth must be supported by necessary infrastructure, which is planned for, funded and delivered in a timely manner. Well-designed growth must also deliver multifunctional green and blue infrastructure with wide ranging social and environmental benefits.

The County Council continues to draw attention to the need for balanced growth, where infrastructure is delivered alongside housing growth and to support employment opportunities. Reforms should therefore not only focus on the delivery of new housing.

The specific reference to onshore wind within the introductory narrative is noted and a question is raised as to why this is the only form of renewable energy that is referenced in this introductory section. The County Council would ask that a balance of renewable energy sources in appropriate locations should be considered alongside the option of nuclear energy.

Chapter 2 – Policy Objectives

The County Council is an advocate of the infrastructure first approach to growth. Infrastructure required to support development should be planned for, funded and delivered in a timely manner, ahead of housing growth where required. This covers both local infrastructure as well as strategic infrastructure. The County Council would draw attention to the broad range of infrastructure requirements needed to support sustainable growth – which must include education, roads, waste, blue and green infrastructure and should include the appropriate utility infrastructure. There are clear issues with utility infrastructure to support development in Kent, notably to provide water to serve properties and for water drainage. Infrastructure must be delivered to be resilient to challenges faced by communities from climate change and other challenges.

It is noted that the third objective, refers to 'refusing ugliness.' The County Council would ask that this should instead refer to poorly designed, so that it follows on and relates better to the aim of the document to support good design. Growth should be durable and resilient to climate change and other future challenges, while utilising rapidly evolving renewables and energy efficiency technology and design.

In the development of a local plan, especially within the swift timeframes proposed through the Levelling-Up and Regeneration Bill (hereafter referred to as The Bill), there is need to ensure that effective engagement takes place with communities as well as with statutory and non-statutory consultees. The role of local elected representatives should be considered through policy, where they are able to engage with local communities around proposed growth.

The County Council also supports the embedding of the important reforms introduced by the Environment Act 2021 into the National Planning Policy Framework (NPPF), ensuring the climate and environmental challenges being faced are addressed holistically through growth. The natural environment should play a key role in delivering beautiful, well-designed places in both urban and rural areas with the impact of growth on the environment recognised.

Chapter 3 – Providing certainty through local and neighbourhood plans.

Reforming the 5-year housing land supply (5YHLS)

- 1. Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?**

The County Council agrees with the proposal as this could support Local Planning Authorities by helping to provide a greater justification and additional emphasis for Local Plans. The quicker adoption of Local Plans provides far greater certainty for local communities and assists the County Council in its role in the strategic planning of essential infrastructure.

However, the County Council would be concerned if there was no consistency in needing to provide a deliverable supply of housing. This is because there is a great need for housing in the Southeast, which provides funding towards much needed Infrastructure. If the housing supply decreases or is not consistent across the County, it will become difficult to plan and could impact on the provision of improving infrastructure for future and existing residents.

This new proposal could provide greater uncertainty as to how many houses would be built which makes it difficult to plan strategically across the County. The County Council would therefore still ask that there is some certainty over housing supply and therefore the growth that can be planned.

- 2. Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?**

The County Council has no objection in principle to removing the housing buffers. However, there are many sites allocated in Local Plans that never come forward due to land ownership, viability or other issues. Removing the buffer could result in less housing being built to meet the needs of the Districts or Parishes.

Again, if the amount of housing significantly decreases, it is difficult for the County Council to predict or plan for unknown levels of growth. The County Council would ask that for a Local Plan, where some of the allocated sites fail, that a limit is set and further housing must be

provided as part of the review of the Local Plan. This will provide some assurance that housing will be provided and enable the County Council to continue to plan for growth.

3. Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?

The County Council has no objection in principle to this but would ask that whatever is put in place allows the County Council to understand and plan for growth in the county. If the policy changed, and this encouraged all the housing to come through in the early stages of a Local Plan, it would be difficult to provide the appropriate infrastructure to support this growth. An approach which allowed for planned and gradual growth would be easier to predict and plan for and deliver.

4. What should any planning guidance dealing with oversupply and undersupply say?

As the County Council would like to predict and manage growth in the County, a significant over or under supply can make development and the infrastructure to support it difficult to plan for. It is suggested that oversupply and under supply is limited to ensure that the housing growth is more predictable and easier to plan for.

Boosting the status of Neighbourhood Plans

5. Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

The County Council supports the proposal to lengthen the time afforded to the protection of Neighbourhood Plans, regardless of whether the Local Plan is out of date. The production of these plans have significant resource implications for all levels of local authority and the extension of time will bring greater certainty and reward for those communities that have invested in them. The increase in time will also ensure that communities are not unduly penalised for any failings of its Local Planning Authority to adopt a Local Plan within the prescribed period.

It should be noted that, whilst welcomed, the changes are likely to encourage a greater number of communities to produce neighbourhood plans and in doing so would create pressure of resourcing for District and County Authorities. The County Council also note that there are considerable differences in the quality of neighbourhood plans with some seeking to prevent development and others making clear and well-planned documents. The County Council would therefore ask that there be clearer guidance for Neighbourhood Plans, that improve their quality across the country. This would also increase their value and make them worthy of having greater protection.

Chapter 4 – Planning for Housing

6. Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

All Local Plans tend to focus on housing provision and the allocation of housing development as this has the biggest impact on a local area. The County Council considers that this needs to be balanced against the other economic, social and environmental objectives. Whilst the importance of housing needs to be made clear, it would be helpful to understand how the Government sees the other priorities, in particular the provision of infrastructure to support this housing and other growth coming forward.

The County Council also recommends that the opening chapters should be extended by reference to the importance of strategic infrastructure such as facilities that manage waste. The safeguarding of waste management facilities should also be considered, to avoid any impact on existing facilities, upon which the local waste planning system may currently rely.

Local housing need and the standard method

7. What are your views on the implications these changes may have on plan-making and housing supply?

The County Council notes that the consultation is not seeking to amend the standard methodology through this consultation but commits to a review of the implications of the household projections data which is due to be published in 2024 and based on the 2021 census. The County Council would draw attention to the potential impact that this would have on plan making authorities and would recommend that this review is carried out as soon as practically possible.

The County Council, as a key infrastructure provider, would welcome clarifications around when local constraints can be taken into account, when bringing forward a plan that does not meet local housing need. The County Council recognises that in some areas which are highly constrained by environmental designations, including AONB and Green Belt, that this may result in less housing being delivered. However, with the current uncertainties around this issue, the County Council faces challenges in ensuring the necessary provision of strategic infrastructure is planned for and secured accordingly.

Introducing new flexibilities to meeting housing needs

Using an alternative method

8. Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

The County Council agrees that policy and guidance on what may constitute exceptional circumstances should be made clearer as this will make it easier to predict when this may occur and will make it more consistent across the County. It is agreed where there is a large elderly population or student accommodation that the infrastructure requirements and

resulting provision may be different so if the proposed housing is better understood, it could make it easier to plan for.

The County Council would like it noted that even if housing of all types is required or whether it is dominated by one use, infrastructure would still need to be planned and provided. The County Council would ask that this be taken into account when drafting policies.

9. Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

The County Council would support greater clarity in respect of the Green Belt when making plans to ensure a better understood and more consistent approach and support for areas which have a high level of Green Belt. The County Council would also draw attention to the character of an area being a consideration in assessing whether housing need can be met to ensure that development remains appropriate to the context of an area. The County Council would also recommend that the provision of strategic and local infrastructure should also be a consideration. Strategic infrastructure needed to support growth within an area can be at a large scale and have cross boundary implications. The deliverability of necessary infrastructure must be a consideration when assessing whether housing need can be met.

10. Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

The County Council would be cautious regarding encouraging increased densities out of character with existing areas as this can impact upon the amenity of an area and put a clear strain on existing infrastructure namely schools, roads and health care. The County Council would suggest that additional to the current Environmental Impact Assessments (EIA) requirements, that the following should be evidenced.

1. New specific uplift design codes that compliment wider local design codes.
2. An assessment of the availability of necessary infrastructure (with the statutory authority responsible, if different) including a plan to address any requirement.
3. An assessment of the demand and availability of accessible public open space (taking consideration to the Public Health England paper "Improving access to greenspace. A new review for 2020") including a plan to address any requirement.

The evidence should be intended to demonstrate that the uplift is sustainable, mitigating risks of the creation of unhealthy communities whilst ensuring that the intensification of housing density has a corresponding intensification of necessary infrastructure, such as education and community amenities. There is a risk of unintentional displacement which could result in existing sustainable communities becoming unsustainable.

Building at higher densities could also lead to overcrowding in areas that are already overcrowded. As the Government has a clear desire to improve air quality, implement open spaces (and access to them) and have some areas of lower density development, the

County Council does not see how this is in accordance with other priorities and would ask this is addressed in any amendments coming forward. The County Council would suggest that using the existing density as a marker is not necessarily appropriate, instead reference should be made to current quality of life and how to maintain / increase it.

The County Council would also suggest that an assessment on the impact of higher densities on the overall environment and on the character of the historic environment where relevant should be taken into account when assessing whether a density is appropriate.

11. Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

The County Council appreciates that the removal of the explicit requirement for plans to be justified is to deliver a more proportionate approach to examination. The County Council is aware of the significant level of evidence which is provided as part of a local plan examination, noting that there are sometimes challenges for consultees to digest, understand and be able to respond to the significant level of detail submitted as part of a local plan examination. However, it is not clear what impact removing the requirement for objective justification of plans would have on the plan-making process. The County Council is concerned that it is likely to cause confusion, create uncertainty, and lead to a departure from objective and reasoned plan-making, thereby increasing challenges at examination. This could result in additional expense and delay to the adoption of local plans. The preparation of local plans requires clear objective justification to gain community, industry and political support. The examination of ‘need’ for development and reasonable ‘alternatives’ are fundamental to proper planning for development.

It is suggested that the ‘Justified’ test should remain, but clarification should be provided as to what is to be considered a proportional evidence base and how it should be applied in differing circumstances. If the justification test is removed, clear guidance will be necessary setting out what plan making evidence an Inspector would require ensuring that local plans are sound.

The County Council is also concerned with the removal of paragraph 35 b) as it is important that plans include an assessment of the appropriate evidence, to ensure the impact of a Local Plan is fully understood.

12. Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

The County Council agrees with the proposal to not apply revised tests of soundness to plans which are at more advanced stages of preparation. It is, however, concerned that if the tests of soundness is lost altogether that there needs to be clear guidance as to what replaces it to make sure that the legal tests of a Local Plan are met.

Delivering the urban uplift

13. Do you agree that we should make a change to the Framework on the application of the urban uplift?

Although not applicable to the question being raised, the County Council notes that the removal of the Duty to Cooperate is covered within the corresponding paragraphs. The County Council is concerned with the proposed loss of Duty to Cooperate without an appropriate alternative mechanism being in place. The proposed new alignment policy needs to be clarified and also be legally binding, which at present, it does not appear to be.

The County Council considers that there is a clear strategic planning role for county councils to ensure that wider planning and infrastructure issues are addressed. This is especially prevalent where large developments are being proposed on district boundaries, with cross boundary growth and infrastructure concerns arising. This is where a holistic, strategic approach is required to ensure that development is supported by necessary infrastructure and that cross boundary growth is fully understood. The County Council would therefore urge clarity in the role of county councils within the planning process around Duty to Cooperate/alignment policy.

In respect of urban uplift, if this were to relate to a greater number of urban areas than those laid out in the consultation, the County Council would stress the continued need to ensure that new and existing communities have access to green spaces, providing opportunities to connect with nature whilst delivering multifunctional benefits including air quality improvements and surface water infiltration. It is also important that the infrastructure provision is understood and addressed to support growth in these areas.

The County Council also supports the response provided by the County Council Network regarding Spatial Planning, provided under question 15 and 53 in their response. This sets out the clear role of spatial planning in helping to support the Government's objectives.

14. What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

The County Council supports the delivery of homes in the most sustainable urban location where development can help reduce the need to travel. However, where density and housing growth is to be focused, there should also be an assessment of the current Infrastructure, to ensure the need is understood, how it is funded and how it can be delivered in a timely manner to support sustainable growth. Any urban uplift should include access to green and open spaces as well as a consideration of the quality of life offered by urban uplift areas for new and existing communities.

15. How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

The County Council considers that this forms part of the County Council's role to understand the strategic implications of the urban uplift as part of the wider economic, transport and infrastructure needs for the town and city and the wider impacts. The County Council would

ask that the Government provides more of a role for County Council's regarding this element.

Enabling communities with plans already in the system to benefit from changes.

16. Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?

The County Council supports any proposal to reduce delays in the producing up to date local plans. It would however ask that any reduction in housing provision is justified and that the growth required is clearly understood in all Local Plans coming forward to enable a better planned strategic approach and infrastructure provision.

17. Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?

The County Council agrees subject to realistic timeframes being applied for the transitional arrangements.

Taking account of permissions granted in the Housing Delivery Test (HDT)

18. Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

The County Council does not object to this policy change but would ask that sufficient evidence be submitted to ensure that a Local Planning Authority has sufficient permissions in place.

19. Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

The County Council has no comment.

20. Do you have views on a robust method for counting deliverable homes permissioned for these purposes?

The County Council has no comment.

21. What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

The County Council has no comment.

Chapter 5 – A planning system for communities

More homes for social rent

- 22. Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?**

The County Council has no comment.

More older people's housing

- 23. Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?**

The County Council supports this proposal. The lack of such housing places considerable pressure on health and social care services. The availability of specially constructed accessible housing will assist in the long-term support and wellbeing of our ageing population. The County Council would suggest that if older people's housing is brought forward that there is some form of protection so that the housing either remains for that use in perpetuity or that there are clear tests that need to be met before the housing is lost. The County Council would also ask that the homes are built to the appropriate standard and sizing to ensure that they are fit for purpose and meet the needs of the community.

The County Council agrees that the need for quality older people's housing is going to significantly increase due to the national demographics. The County Council would ask that this housing specification should also include the appropriate infrastructure for this social group so that this can be planned and provided for. Any development would also need to be supported by investment in staff for sheltered housing/specialist requirement for such housing. The County Council would therefore also ask that this be taken into account when drafting the policies.

More small sites for small builders

- 24. Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?**

The County Council has no objection in principle to bringing small and medium sites forward. However, it is requested that the cumulative impact of this be brought into consideration. A large number of small and medium size sites in one area has the potential to put a strain on local services and infrastructure, so the County Council would ask that provisions be put in place that enable the infrastructure providers to be able to plan, understand and fund the infrastructure to support these forms of development.

The County Council also recognises the benefit that this form of development can bring in increasing densities in built up areas already supported by infrastructure and close to existing facilities, but would ask that this be balanced against the need to plan for growth.

25. How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

As above, the policy could be strengthened not just to provide affordable housing but the infrastructure to support it.

More community-led developments

26. Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

The County Council is supportive of this policy but would recommend that clear definitions are provided to ensure that the policy is not abused.

27. Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

The County Council has no comment.

28. Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

The County Council has no comment.

29 Is there anything else national planning policy could do to support community-led developments?

The County Council would ask that the policy encourages the involvement of Local Planning Authorities and county councils who understand the needs of the community and can therefore assist these developments. A lot of local community schemes have the potential to impact the wider community and local infrastructure, which should be considered as part of these developments.

30 Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making?

The County Council considers that the decision to grant planning permission should be based on whether the proposal is acceptable, does not cause harm to the surrounding amenities and is evidentially justified regardless of who may use or implement the permission.

The County Council is, however, nervous that placing the impact of poor behaviour within the decision-making process is likely to lead to significant litigation and uncertainty, which could lead to even longer development times. The County Council would suggest that if this is progressed that past failures to comply with legal obligations or conditions and any damage caused to third party property including that of statutory providers should be included within the scope.

The County Council also considers that the definition of “irresponsible behaviour” will require extensive detail to prevent loopholes. This includes both what would constitute irresponsible behaviour, whose behaviour is being considered and how long the irresponsible behaviour consideration should last and how would you address companies with an irresponsible behaviour consideration being taken over or merged with another. It is suggested that these details include failure to comply with previous application conditions; to engage with stakeholders/consultees as requested in application responses; provide and protect community facilities/amenities in a timely manner for existing and new residents amongst others.

The County Council understands the premise behind this proposal but is concerned that it is open to wide interpretation and may lead to tension between the local planning authority, applicants and local communities. Further detail, consideration and engagement is required prior to this being progressed. Furthermore, the proposal has significant further flaws as it fails to recognise that a planning consent for development of land generally runs with the land and not the operator or the developer. Land with permission for development may be passed on to other parties without any assessment of the new developer/operator’s past behaviour.

31 Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?

The County Council notes that for either of the options to be implemented, there needs to be detailed consideration and engagement undertaken. A clear definition and understanding of what constitutes ‘irresponsible behaviour’ to address the matters above would be required so that a local planning authority has a clear and transparent mechanism by which to consider this matter.

Option 2 is considered by the County Council to be the most effective mechanism through which an application can be held until such a time as any complaint relating to a previous application by the applicant has satisfactorily resolved by either the Planning Authority or County Council depending on which authority has been affected. The above could include full cost recovery of planning enforcement notices or resources used by the Planning Authority or County Council to rectify any infringements that took place. Where the same offence has been committed by a developer on more than three occasions a proportionate fine could be charged.

It is also considered that applications received from applicants with ‘past irresponsible behaviour’ are more likely to arise from unauthorised development/breaches of conditions on a site. Improved financing of local authorities, to allow effective enforcement of breaches in planning legislation would be a more effective way of dealing with such situations.

More build out

32 Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

The County Council considers that the build out measures have the potential to incentivise developers, but they needs to be sensitively considered. Greater assurances on the pace of

delivery and occupancy will be of assistance to the County Council's strategic planning function to ensure that the essential infrastructure is delivered in a timely and cost-effective manner.

It is also considered that as this is not currently a material planning consideration that the Local Authority and County Planner's are given time, training and resources to be able to understand the consideration and be able to enforce it

Chapter 6 – Asking for beauty

Ask for beauty

33 Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

The County Council supports the principle of emphasising the role of beauty and creating places that are well designed and suitable for where they are located. Well designed and beautiful development is not just a visual benefit but should also include how the development functions. Policies should ensure that development has access to the countryside or green and amenity spaces, as well as helping to improve the health and wellbeing of existing and future residents.

The County Council would also consider it is important to ensure that what is meant by beautiful places is clarified further and that significant heritage assets, e.g. industrial structures, are not destroyed because they are considered not conventionally beautiful.

In drafting policy for the design codes, all local planning authorities should set out the minimum standards for development within a planning authority area. The County Council would ask that further consideration and clarity is needed as to how these codes will work in practice. This is particularly important in two tier areas, where the County Council is a planning authority in its own right for mineral and waste development. Clarity is sought as to whether county councils will be required to produce their own design codes for mineral and waste matters and how these developments and/or county design codes will interact district and borough design codes. In addition, the County Council also ask that design codes include principles relating to the protection of the environment as a whole, including the historic environment and also population health.

The County Council also considers that that the phase "Environmentally responsive" should be emphasised over beauty and that this would have a more productive outcome in delivering sustainable and resilient growth. The County Council would also emphasise that there is a need to consider the longer-term maintenance of places to ensure that spaces remain resilient and enjoyed by communities in the long term. Housing should be resilient and adaptable and look to provide for all stages of life.

34 Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?

The County Council considers that the concept as to what is 'beautiful' is very subjective and will vary from one party to another. There is no universal interpretation to satisfy all. The County Council considers that there should be a greater focus on well-designed places that are designed to deliver high quality growth to meet existing and future community needs. However, there needs to be recognition that some types of development such as mineral and waste management facilities are generally industrial in nature and whilst measures are taken to reduce their impact on visual amenity, they are very unlikely to be described as 'beautiful'. As a result, unless it is clearly stated what these proposed changes mean in terms of planning decisions, there is a concern that the use of the term 'beautiful' may be misinterpreted to support unfounded objections to the development of essential mineral and waste management development.

Refuse ugliness

35 Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

The County Council strongly agrees with this and considers that encouraging planning authorities to impose conditions that provide visual clarity about the design of development and the use of materials would be beneficial. It would also help when considering the need for potential enforcement action and in protecting heritage assets.

Embracing gentle density

36 Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

The County Council understands that the provision of further accommodation on upper floors could help authorities meet their housing needs in more sustainable locations. However, there is concern that this increase in housing could have a considerable impact and place pressure on local infrastructure and this matter needs to be addressed within policy. The County Council considers that all growth should be supported by adequate infrastructure, that is planned for, funded and delivered in a timely manner.

The County Council would also question as to whether such a local and detailed policy is appropriate for national guidance to consider.

Chapter 7 – Protecting the environment and tackling climate change

Delivering biodiversity net gain and local nature recovery

37 How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?

The County Council wholeheartedly supports restrictions on the use of artificial grass in new development and this should apply to both housing and commercial development. Its use should be reserved to limited application on sports pitches. And rather than just “promote” small scale nature interventions through the National Model Design Codes, the County Council would suggest that there should be a policy requirement for them to be included, with the particular intervention based on local needs. Brighton and Hove Council is one example of this, having introduced a requirement for all new developments to specifically address the provision of suitable habitats for migrating swifts, through the installation of swift boxes and bricks. Policy could also be strengthened to ensure the use of more native and appropriate species planting in landscaping and/or the use of recommended drought tolerant plants/trees to make landscaping more resilient to climate change. Given national targets to extend tree cover across England, national policy should also make better provision for protecting existing trees from loss and, where loss is unavoidable, trees are replaced at a greater ratio to that lost.

The County Council, as Lead Local Flood Authority agrees that the inclusion of artificial grass in place of gardens can have implications for surface water runoff. The County Council considers that advice/guidance at national policy level would remove the need for additional work/ discussions taking place over matters that are deemed not beneficial by Government. Advice/guidance such as removing artificial grass from new developments could be included through the expansion of the National Model Design Code.

Recognising the food production value of farmland

38 Do you agree that this is the right approach making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?

The County Council notes that current national mapping does not distinguish between grade 3a and 3b agricultural land classification, which is the threshold between land being considered as best and most versatile (BMV). The County Council recommends that further land assessments should be carried out nationally by an independent body to provide confirmation of where BMV land is located to boost transparency on the matter and avoid further debate. The County Council, supports this proposal, in light of the current issues with food security.

The County Council is aware that growth and infrastructure needs must be balanced against the need to protect BMV land and food production. Engagement with the agricultural industry is necessary to understand and react to the challenges faced in respect of climate change and ensure policy provides the flexibility to respond to these challenges, including through the advancement of new technologies.

Climate change mitigation: exploring a form of carbon assessment

39 What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

The County Council agrees that carbon impact assessments should be applied to all forms of major development including waste management. Establishing a carbon baseline for measuring and monitoring the implementation of carbon measures is critical to the success of carbon impact assessment. Understanding the baseline in terms of geographical areas will also be necessary. It will also be important for a standardised method of assessment and an understanding of the levels of carbon emissions linked to different types of development/processes for consistent carbon impact assessments.

For waste management, consistent carbon production factors should be applied which link waste management targets (and related quantities of waste to be managed) related to for example, recycling, energy recovery and landfill production of greenhouse gas emissions.

Developers and/or operators should be required to continue to monitor greenhouse gas emissions linked to a development over a set period. For waste operations (and similar) this should be for the life of the facility. The developer and/or operator should be required to report to the relevant planning authority on an annual basis in order that it can be reported in an Authority Annual Monitoring Report (AMR).

These requirements could be set out in standard conditions for developments. A method for checking and enforcing alternative methods for greenhouse gas emission reduction (or ceasing of operation) should be made possible, where implemented measures are failing to adequately control such carbon emissions.

Climate adaptation and flood-risk management

40 Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?

In respect of the County Council's role as Local Highway Authority, it would recommend that there is greater emphasis and stronger policy on accessible and sustainable transportation opportunities to access green and blue infrastructure.

The Government has recognised in its Resources and Waste Strategy for England that the achievement of a circular economy is integral to reducing carbon emissions associated with development. It is important that changes are made to the NPPF that results in planning policy that will ensure all new development contributes to the achievement of a circular economy. Such policy should ensure plan makers include policies in Local Plans which require developers to demonstrate how the construction and operation of new development will contribute to this aim. An example of how this might be achieved is via a requirement for Circular Economy Statements to be submitted with planning applications.

The County Council, as Lead Local Flood Authority pursues the incorporation of above ground SuDS against below ground, end of pipe solutions. The successful integration of above ground drainage can enhance the natural green spaces through the development, whilst supporting biodiversity. The strengthening of part C within paragraph 167 of the NPPF to include specific wording for the inclusion of above ground SuDS where possible in new developments. This would support LLFAs in requesting for more above ground SuDS features against the traditional pipe approaches.

The County Council also recommends that planning policy should reference, and require application of, Natural England's (NE) newly published *Green Infrastructure Framework – Principles and Standards for England*. This would assist in the delivery of multifunctional green space that can deliver a number of nature-based solutions and support climate change adaptation. The NE standards should be made a mandatory requirement, so that they have to be taken into account at a local level in plan-making and all planning decisions for new development projects. Otherwise, it is not clear how reforms to planning policy will help achieve the Framework's ambition of 40% greenspace in urban areas, a target which should also be embedded into planning policy. It is vital that planning reforms supports better access to nature for all, ideally complemented by the called for *legal right to nature* within the Levelling Up and Regeneration Bill. The County Council considers that that green infrastructure, community green space and better access to nature does not appear well considered or provided for within the consultation document.

The County Council would recommend that there is a greater focus through the NPPF for accessible neighbourhoods, where active travel opportunities are maximized. The County Council would also encourage any policies that seek to encourage walking and reduce the need for travel. This could include ensuring better access to a fully integrated public transport systems, bike shares and e-bike infrastructure, fully electric car share schemes and the infrastructure to support these proposals. The County Council would also urge the need to ensure that infrastructure provision, including utilities and broadband are encouraged to allow more home working. Clean air zones around schools should also be promoted.

In respect of paragraphs 5-9, the consultation notes the risk of clearing sites before applying for planning, to lower the baseline from which gain is assessed and that the Government will work with Defra to review the current degradation provisions for Biodiversity Net Gain to address this. The current provision within the Environment Act of being able to revert to the 2020 baseline is a good start but this should be accompanied by better provisions and processes for penalties, especially when wildlife crime has occurred, and resources to investigate and enforce these. It should also be noted that the use of the 2020 baseline provision relies on the planning application being reviewed by an appropriate ecological professional and therefore it is vital that Local Authorities are properly resourced in terms of capacity and capability when it comes to the implementation of biodiversity net gain. In respect of sites that are found to have been cleared in advance of planning application, the County Council suggests that these should be required to deliver a greater gain than the mandatory minimum 10% and would suggest 30%. Whilst reversion to the 2020 baseline may deter some, the benefits of that clearance could still outweigh the disbenefits. Therefore, the requirement for delivery of a greater biodiversity gain would likely act as a better deterrent, particularly in respect of Local Nature Recovery Strategies (LNRS). The County Council would welcome further guidance on how local authorities will be expected to

comply with this duty and stress the importance of delivering this as soon as possible so that the opportunity to embed provisions for the LNRS are not missed for local plans going through the review process now. The LNRS should also be a reference point and spatial plan for the opportunities to extend or enhance these opportunities for adaptation and delivery of nature-based solutions.

The County Council would also welcome the consideration of greater ancient woodland protection especially if this prevents any further loss and damage of this irreplaceable habitat. Development projects should be required to completely avoid precious habitats with better appreciation through policy of the value of existing woods and trees.

The County Council would also draw attention to the challenges when implementing nature-based solutions and potential conflict with underground and overground utility infrastructure, which prevents and complicates implementation of nature-based solutions. Nature based solutions must be utilised across all landscapes where possible, including both brownfield, urban and greenfield development.

When considering multifunctional spaces, there should also be the consideration of the need to increase formal and informal sport and physical activity provision to meet the growth in population and housing and to support population health. Consideration should be had as to how the spaces are designed as multi-functional community facilities and how they will be accessed, delivered and funded.

Chapter 8 – Onshore wind and energy efficiency

Enabling the repowering of existing onshore wind turbines

41 Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

The County Council would note the key phrase in this section relates to whether the repowering of renewable and low carbon energy can be made acceptable in planning terms. The County Council would wish to emphasise the need for effective community engagement for any repowering of existing onshore wind turbines, ensuring communities are given a meaningful voice in this matter.

42 Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

As above.

Introducing more flexibility to plan for new onshore wind deployment

43 Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

The County Council recognises that mitigating climate change impacts effectively is vital to achieving Net Zero and onshore wind is part of the contribution towards this target. The County Council would ask that the carbon footprint of installing the windfarms and also

disposing of them at the end of their life span should also be taken into account. The proposals around community engagement should also be applied to all energy development projects. It is vital that effective engagement takes place to ensure communities are well informed of proposals and able to provide feedback accordingly to applicants.

The County Council also notes it is proposed that all onshore windfarm applications be considered by local planning authorities, as opposed to the Nationally Significant Infrastructure Projects (NSIP) regime and would question why this form of energy production has been singled out for exclusion. The County Council recognises that there are ongoing discussions regarding reforms to the NSIP regime but would question why onshore windfarms of the threshold (50MW) are not required to undergo the national scrutiny and assessment that other energy projects are required to do.

The County Council considers that reference to financial incentives for communities around onshore wind should equally apply to all forms of power generation as this could boost local support for projects.

The County Council would also request consideration around support for the decarbonisation of heat, e.g., around making it easier to install heat pumps. The County Council considers that there is a need to decarbonise our heating sources through heat pumps or collective heating solutions such as district or community heat networks.

Barriers to energy efficiency

44 Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

The County Council considers that the adaptation of existing homes to ensure they remain consistent with the objective of mitigating climate change impacts, rather than demolishing and replacing with new, is consistent with circular economy principles. This is provided that all proposals not just those affecting conservation areas and listed buildings should take into account the policies set out in Chapter 16 of the NPPF.

The County Council would also recommend that there is a localised approach to energy, for example the provision of solar on rooftops which is a simple action that can be taken on an individual residence basis that supports the greening of energy generation but also supports energy security in more rural areas.

Chapter 9 – Preparing for the new system of plan making

Giving time to finalise and adopt plans already in development before the reformed plan-making system is introduced / Neighbourhood Plans / Supplementary Planning Documents / Timeline for transitioning to the reformed plan making system

45 Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

The County Council considers that the proposed timeline for finalising waste local plans prepared under the current system is reasonable subject to the reforms progressing in

accordance with the proposed timetable. It is vital that the Planning Inspectorate and Local Planning Authorities should be adequately resourced to ensure that the local plan examination process is concluded in a timely manner.

46 Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

The County Council considers that in principle the proposed transitional arrangements and the timeline for implementation appear reasonable. However, clarity is required for authorities, on the need to '*start work on new plans by, at the latest, 5 years after adoption of their previous plan*'. Further clarity is sought as to what is meant by the term 'start work'. The County Council questions whether this refers to a review of the existing plan to examine whether it is effective and up to date; or is it intended that the preparation of new local plans 'start' regardless of whether an existing plan is deemed to be effective and up to date.

Whilst recognising Government's objective to have up to date plans in place to support a plan led planning system, the proposed requirement to prepare local plans within 30 months is wholly unreasonable and unrealistic considering the very limited financial and human resources currently available to local planning authorities, which are barely adequate for the current arrangements. The condensed timetable appears to be proposed in the context of removing the requirement for plans to be 'justified'. Plan preparation which includes meaningful public consultation, independent assessment for SA/SEA and input at examination stage, takes time and resources and is important in helping to gain the political, community, and industry support. Experience shows that effective plan preparation takes around 5 years.

The County Council also notes that legislation requires that policy framework documents such as local plans are required to be considered by Full Council at key stages of the plan making process, including decisions to submit and at adoption stage. This legislation will require revision to meet the much-reduced plan making timetable that is being proposed.

47 Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

The County Council has no comment.

48 Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

The County Council considers that the transitional arrangements for Supplementary Planning Documents (SPDs) should be for five years and as opposed to three. These documents take considerable time and effort to adopt and must go through a long consultation process, so it is requested that the transition time is lengthened.

Currently SPDs are an important planning tool for providing guidance on the implementation of planning policy, the inclusion of which in Local Plans would make them cumbersome and delay their preparation. There is a general concern that abolition of SPDs will remove a tool that currently gives local authorities the ability to create targeted planning documents relatively quickly to respond to changing circumstances and provide local detail for

facilitating appropriate development. It also removes the influence of the County Council as many of their strategies are adopted by local authorities, which gives them more weight and provides guidance.

Chapter 10 – National Development Management Policies

What are National Development Management Policies? / The Case for National Development Management Policies / The scope of National Development Management Policies

49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?

The County Council notes the proposed scope and principles in respect of the National Development Management Policies (NDMP). The County Council would, however, raise concern as to how these policies will be drafted and consulted upon. The County Council considers that a Local Plan should retain the ability to include bespoke development management policies that address local circumstances and its ambitions and objectives and provide for local accountability.

While the proposal for a national suite of development management policies has its merits in relation to potential improved consistency and efficiency, there are matters pertaining to mineral and waste management activities which will need separate consideration within any such national set of policies. Overarching policies specific to mineral and waste management development would be strategically beneficial and provide greater certainty and clarity to local planning authorities, communities, and industry.

The County Council welcome the intention to include general policies for conserving heritage however it is important that all the policies set out in the Chapter 16 of the NPPF and also the new requirements from the Bill are taken into consideration when drafting the policies. We would also ask that the National Development Management policies are appropriately cross referenced and not contradictory.

50 What other principles, if any, do you believe should inform the scope of National Development Management Policies?

The County Council would also consider that further scope for the national policies could include areas such as Public Rights of Way, National Trails, Environment, Biodiversity, Population Health, Heritage and public access to green / open spaces. These areas should be recognised and protected as nationally important issues.

The County Council would also stress the need for proper engagement and consultation on the wording of these policies to ensure that both applicants and Local Planning Authorities are satisfied and able to deliver upon the details set out.

In preparing the detail, careful consideration will be required to ensure that the introduction of NDMPs provide the appropriate level of detail to support effective decision making and does not end up being cumbersome with a growing number of issues addressed via NDMPs resulting in the need for extensive guidance to ensure they are implemented consistently.

51 Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

The County Council believes that these should only be considered where they are necessary to be set at a national level.

52 Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

The County Council would recommend consideration around Public Rights of Way, National Trails, Environment, Population Health, Biodiversity, Heritage, resilience, public access to green/open spaces and minerals and waste planning activities.

Chapter 11 – Enabling Levelling Up

53 What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

The County Council would draw attention to the need to ensure there is a clear role for county councils moving forward. As strategic and local infrastructure providers, it is important that county councils are provided a clear role through the Levelling Up agenda. The “bold innovative ideas” quoted require innovation through investment in Local Authorities and communities not only from “private sector investment” as stated.

Levelling up and boosting economic growth

54 How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

Land-use development including new and replacement infrastructure will be fundamental to sustainable economic growth, however greater clarity and certainty is required in relation to sustainable waste management to ensure the development of sufficient facilities to manage waste to meet community’s needs. An example being the inclusion of waste management as an activity that may come forward on land allocated in Local Plans as ‘employment land’ should be clearly stated. Similarly, the NPPF in paragraph 120 should reference safeguarding of waste management infrastructure to ensure that it is not overlooked in decision-making.

The County Council considers strongly that the framework should also consider the health and wellbeing of communities, ensuring easy access to health services and recreation spaces, promoting a healthy lifestyle to boost productivity.

The County Council would also raise the need for the framework to address the need to ensure appropriate utility provision, including water, is available to be able to support sustainable growth.

The County Council also considers that it is vital that the framework recognise a need for a better supply of employment land. Guidance on responding to local demand as an essential part of any Local Plan would be desirable, including how legacy properties and sites can be upgraded or repurposed.

55 Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

As part of the wider beautification agenda national policy could provide additional support for No Use Empty programmes and support to allow for derelict areas to be beautified either for temporary or permanent basis. This should include opening up areas of new open space or for sustainable transport.

The County Council would also suggest that any such proposals must take into account that brownfield sites and city and town centres are often sensitive and significant areas for heritage assets.

Levelling up and boosting pride in place

56 Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?

The County Council would agree that proposals should be brought forward to ensure users feel safe in public spaces. Well-designed spaces should provide opportunities for natural surveillance, create safe and accessible spaces and PRow and be accessible to all users. Best practice case studies and expertise in the matter should be sought out and engaged to ensure the proposals are effective in creating safe spaces and the perception of safe spaces.

Chapter 12 – Wider changes to national planning policy in the future

The County Council welcomes the proposed provisions for nutrient neutrality as a significant number of new homes are held up by this issue in Kent. The County Council is pleased that these proposals will require water companies to improve nutrient concentrations from wastewater treatment works and provide certainty about the provision of these measures. However, proposals as currently drafted, set the new concentrations of nutrients to the current Water Industry Technically Achievable Limit (TAL). This level of nutrient concentrations will not remove the need for nutrient neutrality in Kent, developers will still be required to achieve this, albeit at a lower level. The County Council accepts that going beyond TAL is unreasonable (though there are examples, especially for phosphorus, where water companies do go beyond TAL), however, technology is likely to improve, it always does in the Water Industry, and in a future investment period an improved TAL could be applied that did reduce nutrient concentrations to a low enough level to remove nutrient neutrality requirements.

The County Council would prefer proposals to allow Water Companies to be required to implement future improvements in TAL in sensitive catchment areas, without the need to

draft further primary legislation. If the nutrient pollution standards were specified in secondary legislation or guidance, they could be updated by the Minister in future as technology improves. This will only be applicable in areas that remain sensitive catchments for these nutrients, so need only apply to catchments that remain sensitive after this round of improvements. This would provide much needed flexibility to this provision and provide certainty that nutrient neutrality will be removed at some time in the future in catchments where the current round is not sufficient.

Further flexibility would be introduced if proposals allowed water companies to invest in solutions being delivered by partners that help to improve the condition of the catchment, instead of exclusively focussing on the engineering schemes specified upgrades to achieve TAL. As the proposed upgrades will not remove the requirements for nutrient neutrality, costs will still need to be borne by developers, ultimately passed on to house buyers, for nutrient neutrality schemes. Financing these through water bills by allowing water companies to fund them would be more equitable, as all homes in the catchment are contributing to the problem. Many of these schemes will achieve the necessary reductions in nutrients at lower cost, in both capital and carbon, than the proposed engineering schemes.

Chapter 13 – Practical changes and next steps

57 Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

It is noted that consideration of the National Planning Policy for Waste and Planning Policy for Traveller Sites that sits alongside the National Planning Policy Framework will need to be reviewed in light of changes to the NPPF and to ensure that the policy meets the actual need. Attention is drawn to the current Policy Statement - Planning for Schools Development, 2011 and it is suggested that similar consideration be given to this policy document.

Whilst the Planning for Schools Development currently works well as a standalone document, there would be considerable merit in incorporating the National Planning Policy for Waste (NPPW) into the NPPF. This would create a single national planning guidance document and provide greater emphasis on the importance of sustainable waste management and the role it plays in addressing climate change and delivering economic growth and sustainable communities.

Public Sector Equality Duty

58 We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

The County Council has no comment.

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8 March 2023

Dear Louise,

Re: Kent County Council Written Statement to the Examination (Stage 2) of the Maidstone Borough Council Local Plan Review

Thank you for inviting Kent County Council (the County Council) to submit a Written Hearing Statement to the Examination (Stage 2) of the Maidstone Borough Council (MBC) Local Plan Review.

In summary, the County Council would raise the following key issues, which are provided in more detail where relevant within this Statement:

- a) **Local Highway Authority:** The County Council, as Local Highway Authority, would draw attention to challenges currently being faced in preparing this Hearing Statement, in particular when considering Matter 9 Transport, Infrastructure and Plan Viability. At the point of preparing this Hearing Statement, the County Council as Local Highway Authority is awaiting evidence from the Borough Council as Local Planning Authority (LPA) relating to the three key sites – Heathlands Garden Settlement, Invicta Barracks and Lidsing Garden Settlement. Evidence is awaited around the identification of the impacts of each development on the road network, and whether the impacts result in the need to develop a mitigation package. The County Council would also seek to ensure that the mitigation needed could be implemented. There is an additional requirement for the identified schemes to be included in the Infrastructure Delivery Plan. The County Council may seek to update this position subject to the resolution of the matters raised within this Hearing Statement and prior engagement with the Maidstone Local Plan Examination (ID 12574140).
- b) **Local Education Authority:** The County Council considers that secondary education provision is an essential form of infrastructure that is required to support sustainable growth in the Borough. It is considered by the County Council that secondary education

provision must be established to mitigate the impact of the growth in the Local Plan and provide adequate facilities to serve the new communities. It is the view of the County Council that the Plan does not currently seek to do this in an effective way. The current approach is likely to lead to unsustainable development that is not supported by the necessary infrastructure. If not secured properly through the Local Plan, this is likely to lead to a number of children without school places, in the near future. This would not be consistent with national policy and could lead to the Plan being unsound.

The County Council has raised significant concerns regarding matters of effectiveness. The County Council seeks that the Plan fully allocates two secondary school sites within policy and ensures that those school sites are suitable for their intended use and available when they are needed. There is not forecast to be any available secondary school capacity for the pupil product arising from proposed growth in the Plan without additional school places being established.

The two largest secondary education infrastructure projects to support the Plan are the establishment of a new secondary school within the proposed garden community of Heathlands and a secondary school to provide the necessary provision to meet the need arising from growth proposed outside of the Heathlands development - Maidstone Borough Council proposes this secondary school to be established at Invicta Barracks.

The County Council has raised concerns about the policies within the Plan associated with both these new schools, in particular the proposed timing of the provision and the overall deliverability of what must be considered essential pieces of infrastructure required to support the whole Plan and ensure it is sound; without which the effects of growth will go unmitigated, representing unsustainable growth.

Representations to these policies have been made through the County Council's responses to the Regulation 19 consultation (and the preceding consultations) and are also explored within the Written Statements submitted to the Examination regarding Questions 2.15, 3.21 and 4.18 of the Stage 1 Hearings (ID1257414). Following conclusion of the Stage 1 Hearings the County Council submitted a letter dated 19th December 2022, summarising that the concerns it had previously submitted as part of both the consultation and examination processes remained.

The Inspector's letter of response of 20th December 2022 states that the County Council have had sufficient opportunity to attend and be represented at the recent hearing sessions and that if there were concerns about the information in the Maidstone Council hearing statements relating to education provision at Heathlands and Invicta Barracks, these should have been raised at the relevant hearing sessions at which the County Council was represented. The County Council fully appreciates this judgement but wishes to take the opportunity to express that the statement of concerns were formally submitted in writing and should be given due regard under Regulation 23 of the 2021 Local Plan Regulations. It is also understood that parties are discouraged from simply repeating matters in person that have been raised within written submissions.

As it will have been noted from the County Council's letter of 19th December 2022, the concerns raised by the County Council were in the process of being addressed through the drafting of co-produced modifications to the relevant policies; however these were then not submitted to the Inspector at examination by the Borough Council. The County Council appreciates that it is not for the Inspector to comment on the conduct of parties outside of the examination process, however the County Council hopes that it is recognised that given the apparent advanced level of agreement on policy modifications that the County Council chose to refrain from expending public funding on senior officer attendance and associated advocates on matters which appeared to be resolved.

The County Council, as Local Education Authority continues to discuss matters with the Borough Council and the County Council is hopeful that the Borough Council will propose modifications that will address the concerns raised; however the purpose of this letter is to submit Kent County Council's Statements in response to the Matters, Issues and Questions for the second stage of the examination process and formally notify you that the County Council will wish to fully and actively participate in all remaining stages of the process (including appearing at the Stage 2 Hearings) if the serious concerns it has repeatedly raised remain unmitigated.

- c) **Minerals and Waste Planning Authority:** The County Council as Minerals and Waste Planning Authority has agreed a Statement of Common Ground with Maidstone Borough Council (ED65) in respect of Minerals and Waste matters at the Heathlands Garden Settlement proposal. The County Council signed this Statement of Common Ground on 8 November 2022. The matters agreed within this Statement of Common Ground remain relevant to this Local Plan examination but have not been repeated within this Hearing Statement. It is requested that if any changes are made to the Minerals and Waste matters then the County Council still has the right to comment on these matters and would ask to be informed of any such changes.

The County Council, as Local Education Authority, Local Highway Authority as well as in consideration of the Council's responsibilities for Community Learning, Libraries, Youth Services, Waste and Adult Social Care provides the following response in respect of the Matters Issues and Questions (MIQ) provided on 5 February 20223 (ED72).

Matter 6 Housing Proposals – Maidstone Urban Area

Issue 1 Housing Sites in Maidstone Town Centre and Urban Area

LPRSA366 Springfield Tower, Royal Engineers Road

Q6.14 Is the proposed policy framework for Springfield Tower at LPRSA366 justified having particular regard to the highway network? Is the proposed additional text in LPRSUB011 necessary for soundness?

Local Highway Authority:

- 6.14.1. The County Council regards the proposed additional text in LPRSUB011 to be overtly focused on the internal confines of the site in how it requires the development design to complement and enable local improvements to the A229.
- 6.14.2. The County Council requests that the policy is further expanded to state that off-site improvements to the A229 corridor should be provided to achieve safe and convenient accessibility for all users, including pedestrians, cyclists and public transport users, and mitigate any wider transport impacts, subject to the findings of any Transport Assessment. This amendment will ensure compliance with paragraph 110 of the NPPF.

Issue 2 Housing Sites at Edge of Maidstone

LPRSA172 Land North of Sutton Road (West of Rumwood Court)

LPRSA270 Land at Pested Bars Road

LPRSA362 Maidstone Police HQ Site, Sutton Road

Q6.18, Q6.30 and Q6.33 In combination with existing committed growth on the Sutton Road corridor and proposed allocations at LPRSA270 and LPRSA362 would residual cumulative impacts on the road network meet the 'severe' threshold in the terms at paragraph 111 of the National Planning Policy Framework? Is the allocation deliverable on the basis of the policy requirement to secure prior agreement with the Local Highway Authority regarding any requirements for off-site highway improvements or mitigation, including proposed measures set out at part 3 of Policy LPRSP3?

Local Highway Authority:

- 6.18.1. The County Council's response on the Regulation 19 Local Plan Review consultation outlined how the inclusion of three land allocations (LPRSA172, LPRSA362 and LPRSA270) along the Sutton Road corridor would be expected to result in worsening congestion and increased journey times during peak periods. This accounted for existing committed growth and the constraints that exist within the Maidstone urban area, which limit the scope for capacity improvements to mitigate the impacts of additional traffic.
- 6.18.2. The County Council raised objections to the three land allocations as it regarded the cumulative impacts to fall within the definition of severe in the context of paragraph 111 of the National Planning Policy Framework.
- 6.18.3. Policy LPRSP3 identifies the Borough Council's expectation that mitigation will be achieved through '*junction improvements on the A274 Sutton Road incorporating bus prioritisation measures, the installation of an extended bus lane in Sutton Road, together with improved pedestrian and cycle access*'. These interventions rely on

additional and reallocated roadspace being provided on Sutton Road, which forms the principal A274 route running through south-eastern Maidstone.

- 6.18.4. It is noted that the Infrastructure Delivery Plan (LPR 5.3) encapsulates the above highway mitigations in items HTSE1, HTSE2, HTSE6 and states that they are of essential or critical priority.
- 6.18.5. The County Council is progressing schemes on the A274 to provide additional capacity at the junctions with the A229 (Wheatsheaf) and Willington Street/Wallis Avenue. Phase one of the Wheatsheaf scheme, an experimental Traffic Regulation Order for the closure of Cranborne Avenue has been completed. The second phase, which involves the demolition of the pub and construction of the new junction, is scheduled to commence in Spring 2023. The Willington Street/Wallis Avenue scheme is currently on hold, pending the identification of an arrangement that is acceptable to County Council and Borough Council Members.
- 6.18.6. The schemes, once implemented, will optimise the operation of the Sutton Road corridor by providing improved journey time reliability for all road users. They will also ensure the network is more resilient to the effects of committed housing growth, which has been concentrated along the Sutton Road corridor and is already substantially implemented.
- 6.18.7. The junction schemes do not currently incorporate new bus lane provision along Sutton Road or any additional capacity that could be necessary to accommodate the traffic associated with the three land allocations.
- 6.18.8. The County Council therefore maintains the view that there is no evidence available to demonstrate that the full scope of mitigation identified in Policy LPRSP3 can be delivered. This also means that there is no evidence to demonstrate that the requirements of policies LPRSA172, LPRSA362 and LPRSA270 regarding mitigation of impact on Sutton Road are achievable.
- 6.18.9. As a result, the County Council remains concerned that the impacts of the allocations will be severe in the context of paragraphs 110 and 111 of the NPPF and objects to their inclusion in the Local Plan Review.

Matter 9 Transport, Infrastructure and Plan Viability

Issue 2: Whether the Plan makes adequate provision of infrastructure to support sustainable growth and protection of community facilities

Q9.8 With reference to the latest Infrastructure Delivery Plan [LPR5.3] and Integrated Transport Strategy [LPR1.64], is the Plan based on a sound assessment of existing infrastructure capacity and future infrastructure requirements to ensure the plan's growth would be sustainable?

Local Highway Authority:

- 9.8.1. The Local Planning Authority and scheme promoters are continuing to progress identifying appropriate and proportionate measures to mitigate the impact cumulative impact of the local plan allocations as well as measures specific to the two garden settlements and Invicta Barracks. As the Local Highway Authority, the County Council is working closely with all parties to develop this evidence base however a sound evidence base is unavailable to date. As schemes are identified and recommended it is expected they would feature in an updated Infrastructure Delivery Plan and Integrated Transport Strategy as appropriate. Therefore, as currently submitted, the Infrastructure Delivery Plan (LPR5.3) and the Integrated Transport Strategy LPR1.64 do not include the future infrastructure requirements necessary that would ensure the plan's growth is delivered in a sustainable manner.
- 9.8.2. Without this evidence and information, the impact of the growth on the highway network cannot be fully understood nor whether the mitigation proposed is acceptable or viable against other policies in the plan. It is therefore considered without this information that the plan is unsound. As the policies remain unjustified and it is not proven that they are effective based on the information that the County Council currently has.

Q9.9 Is there a reasonable prospect that infrastructure deficits and requirements can be addressed through a combination of the funding programmes of infrastructure providers, other delivery organisations and through the use of developer contributions and Community Infrastructure Levy?

Local Highway Authority:

- 9.9.1. As the required infrastructure schemes have not been identified, it remains unclear whether the funding to deliver them is achievable within the viability of key sites or by funding mechanisms open to the LPA. Trigger points and phasing of delivery have not yet been identified and this could play a role in determining the appropriate funding mechanism at any point across the plan period. It is therefore not possible to determine the prospect whether infrastructure deficits and requirements can be addressed accordingly.
- 9.9.2. Without the key infrastructure and its funding being identified, and without viability of these schemes being taken into account, it is considered that without this information that the plan is unsound. This is because the policies remain unjustified and it is not proven that they are effective based on the information that the County Council currently has.

Local Education Authority:

- 9.9.3. Kent County Council considers that, without modification to the Plan, there **is no reasonable prospect** that infrastructure deficits in relation to education provision can be addressed through a combination of the funding programmes of infrastructure providers or through the use of developer contributions and the Community

Infrastructure Levy. The impact of this may be to significantly diminish the soundness of the Plan and is sufficiently serious to justify a finding that the Plan is unsound.

Invicta Barracks

- 9.9.4. The County Council's concerns regard insufficiency of infrastructure provision to support the Plan and not just infrastructure to support residential proposals at Invicta Barracks in isolation.
- 9.9.5. There is a pressing need for additional secondary school places within the Borough. There are eight schools in the Maidstone non-selective planning group: Cornwallis Academy, The Lenham School, Maplesden Noakes School, New Line Learning Academy, School of Science and Technology, St. Augustine Academy, St. Simon Stock Catholic School and Valley Park School. The total number of applications for entry to these schools in September 2023 was significantly more than their combined Published Admission Numbers. The County Council sought to increase the number of places offered by these schools to ensure every child had an offer of a school place this year. The County Council has permanently expanded a number of these schools and is in the process of working with schools and academy trusts to create additional permanent provision through expansion of the remaining schools where it is feasible to do so.
- 9.9.6. The County Council has published its commissioning intention to establish a new secondary school within the Borough from 2027 to 2030 to ensure a sufficient number of places are available. There is no alternative to the establishment of a new secondary school; all feasible expansions will have been undertaken. It is essential the Plan fully allocates a secondary school site within policy and ensures that the site is suitable and available when needed to support this evidenced need.
- 9.9.7. The County Council raised strong concerns that the submitted plan did not appropriately secure the provision of a secondary school to ensure that the proposed growth within the Borough would be sustainable.
- 9.9.8. The Inspector's letter of 11 January 2023 at Paragraph 5.31 considers the proposed policy for Invicta Barracks (Policy LPRSP5(b)) and concludes:

The capacity of the wider site is also affected by the potential to deliver a new through-school including additional secondary school capacity to potentially support this site but mainly for the benefit of other development in the town.

Whilst the need and timing of the school is likely to be the subject of further work and scrutiny, a suitably worded proposed main modification would support the principle of its delivery at this location, whilst giving suitable flexibility for alternative uses should the school use no longer be required. I recommend this as part of the schedule of proposed main modifications as confirmed in the latest statement of common ground with the Defence Infrastructure Organisation in document ED63.

9.9.9. With further recommendation at Paragraph 5.33

All of the proposed modifications for Invicta Barracks set out in LPRSUB011, with subsequent updating through the Statement of Common Ground [ED63] and discussion at Day 11 of the hearings, would be main modifications and therefore necessary for soundness.

9.9.10. These modifications are entirely inadequate to address the County Council's concerns: Firstly, the County Council wishes to again respond to the suggestion that the need for the school should be subject to "further work and scrutiny". The perceived notion that the need for a secondary school has not already been conclusively established is wrong. Kent County Council as Local Education Authority has consistently stated that a secondary school **will** be required, and all supporting information has been provided to evidence this. The Borough Council is not actively considering any other location for the establishment of this essential infrastructure within or outside of the Plan and therefore the related policy within Policy LPRSP5(b) **must** be sufficient to make the Plan sustainable and consistent with national policy in ensuring that the established need for the school is met.

9.9.11. The County Council cannot locate publicly documented information relating to the discussions that took place at Day 11 of the hearings and what the associated changes to policy would be. The County Council is therefore only able to comment on the effects of the policy as submitted and published with the proposed modifications within LPRSUB011. The County Council understands that further modifications have been placed before the Inspector by the Borough Council and will be consulted on in due course, however the County Council is only able to appraise the policy as publicly documented.

9.9.12. The table proposed for modification within LPRSP5(B) Invicta Barracks (1) lists; *Mechanism agreed for comprehensive redevelopment of the wider Invicta Barracks to deliver 1,300 new homes and appropriate education provision as required within Phase 1 (from 2027), secondary school requirement established & land allocated; within Phase 2 (from 2032) and All new education provision completed as appropriate; with Phase 3 (by 2037).*

9.9.13. **This is not sufficient**, the secondary school may need to be open by 2027. The policy framework only seeks for a secondary school requirement to be 'established' & land allocated by 2032, five years after the school may need to have been admitting pupils. This is manifestly inadequate.

9.9.14. The Borough has proposed a modification:

New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, subject to continuing review of future educational need in Maidstone Borough and an ongoing assessment of other sites in and around the town centre with the scope to accommodate some or all of the educational need.

- 9.9.15. The allocation of a secondary school site should not be subject to a further review. As already stated, the need for the secondary school is already firmly established and it should be considered an essential piece of infrastructure necessary to ensure growth is sustainable. The modification fails to secure what is required, namely that the Plan should secure a suitable and deliverable site for the school. If the Borough Council holds doubt that the Invicta Barracks site is not considered to be suitable or capable of delivering a secondary school site at the appropriate time then an alternative should be secured **now**. It is entirely inadequate for other sites to be assessed in parallel; the identification and assessment of suitable sites for infrastructure provision should be conducted prior to the Plan's submission and adoption. However, to the County Council's knowledge no assessment process has been established by the Borough Council and there is certainly no provision elsewhere in the Plan to meet this pressing need.
- 9.9.16. The proposed policy is also silent on which public body would conduct a review and determine the need and timing for a secondary school; if the intention is for the statutory Local Education Authority to provide this function, which it should be, then the policy must be explicit about this. However, for the reasons set out above, there should be no further review of need. The provision for any such further review only leads to delay, uncertainty and room for dispute, in circumstances where the Plan should be providing for a definite need which has already been established.
- 9.9.17. The County Council would wish to see the following detailed within the policy:

New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, The land allocated should be a bare serviced and accessed land suitable in size, shape and condition for construction of an 8FE all-through school. The site shall be made available within the first phase of the development and capable of being constructed by 2027

- 9.9.18. This policy is necessary as it ensures that the school is of the correct size required to properly support the growth and need in the Local Plan. It also ensures that the school is delivered at the time it is required. In addition, it also ensures that the site provided is bare and able to be developed quickly. As laid out in Section 9.13.7 below the cost or activity for the school cannot fall onto the County Council. The County Council ask that all of this is taken into account when considering the viability of the Local Plan.

Heathlands Garden Settlement

- 9.9.19. The total development is forecast to generate a pupil need of approximately 7 Forms of Entry; the most suitable strategy for meeting that need has been proposed by the County Council as Local Education Authority as a 1FE expansion of an existing school to establish capacity for the first element of housing, followed by the establishment of a new 6FE secondary school.
- 9.9.20. 1FE of provision through the expansion of an existing school would provide secondary school capacity for approximately 700 dwellings. The Plan should

therefore reflect and deliver a framework that would allow the establishment of a new secondary school within the site from the point when 700 dwellings are occupied, should it be necessary to ensure sufficiency of education provision for residents. ED59 LPRS4(A) – Heathlands Garden Settlement – Proposed modifications proposes that ‘*Secondary school provision [is] delivered as necessary*’ within Phase 1 & 2.

9.9.21. The County Council anticipates the new school to be required within this broad period (which includes up to 1,549 homes) but has stated that the policy should be specific and structured to enable the school to be established at the earliest point that it is forecast to be required (700 homes). Without this there will be insufficient school places to serve the proposed new community.

9.9.22. LPRSP4(A) 5. Infrastructure proposes:

B) A new 5 or 6 form entry Secondary School to be provided on site. The timing of delivery of the secondary school will be subject to need, to be agreed in conjunction with Kent County Council.

9.9.23. The proposed wording includes an error regarding the size of the school, it must be 6 and not ‘5 or 6’. The need for a 6 form entry school is firmly established. The wording also indicates that the statutory body responsible for the provision of school places (the Local Education Authority) would not determine when the school would be required, instead that date is to be ‘*agreed in conjunction with Kent County Council*’. This represents ineffective policy wording that could result in unmitigated and unsustainable development.

County Council – Responsibilities for Community Learning, Libraries, Youth Services, Waste and Adult Social Care:

9.9.24. The County Council seeks to demonstrate that one funding stream (of those currently available) is not sufficient in isolation to mitigate the costs of development on infrastructure.

9.9.25. The only way that essential infrastructure costs brought about by development could be fully mitigated is through a combination of the various funding programmes that are available.

9.9.26. In respect of funding mechanisms, whilst not exhaustive, the principal funding mechanisms that are available to mitigate the costs of infrastructure development are:

- **Section 106** Developer Contributions (planning obligations)
- **Community Infrastructure Levy** (CIL planning obligations)
- **Basic Needs Funding** (For Education)– based on a Local Authority’s Schools Capacity (SCAP) Return to the DfE, the local authority receives a variable annual sum towards the costs of funding the expansion of existing education infrastructure.

- **WAVE** funding (For Education) is provided by central Government as a pump priming initiative towards the costs of building new schools, and is accessed by local authorities on an 'invitation to bid' basis as and when the scheme is open for bids. Developers will, however, be expected to contribute in the usual way through planning obligations to pay towards the costs of the school or to pay back the Government for its funding intervention.
- 9.9.27. The only realistic way that infrastructure deficits and requirements can be addressed is by:
- The use of Section 106 Developer Contributions as the principal funding mechanism for essential infrastructure such as education, particularly where the LPA ringfences the use of Section 106 for essential infrastructure delivery
 - Where CIL is utilised by the LPA, Section 106 Developer Contributions must be utilised alongside CIL to properly mitigate the costs of infrastructure development. CIL on its own is not sufficient to meet the needs of essential infrastructure investment.
- 9.9.28. For example, Maidstone Borough Council has forecasted that circa £12m of CIL will have been collected by 31 March 2025 and as reported in their 2021/22 IFS the balance from collections between 2018 and 2022 is £3.1m. The cost of building one new 6 FE secondary school in Kent is circa £35 million plus the cost of the land. The County Council has evidenced and advised the Borough Council through this current Local Plan process that new secondary school provision is required. The figures above starkly illustrate that Maidstone's CIL fund cannot meet the development costs of a new school even before consideration of the other community infrastructure demands. In order to do so, MBC would have to ringfence and build up all of its CIL funding to fund the school's development. This is not practical due to the time lag between infrastructure need and CIL receipt. It would also deny the use of CIL funds for other infrastructure needs.
- 9.9.29. The current legislation allows for CIL contributions and Section 106 contributions for the same infrastructure. The County Council's understanding from the submitted Infrastructure Delivery Plan, is that it does not include any double counting and that the approach to fund County Council infrastructure will be through combinations of Section 106 and CIL.
- 9.9.30. The full cost mitigation of infrastructure cannot reasonably happen unless combined funding sources are utilised, with a heavy reliance on Section 106 for strategic infrastructure, and if the proposed local plan evidence has taken account of the full costs of the County Council's (and others') necessary infrastructure.

Issue 3: Plan-wide Viability

Q9.13 Taking account of the evidence in the Plan Viability Assessment [document LPR5.1], would the requirements of the policies of the Plan put the viability of its implementation at serious risk? Does the approach to assessing plan viability reflect the guidance in the PPG on 'Viability and Plan Making' (paragraphs 10-001-20190509 – 10-029-20190509)?

Local Education Authority

9.13.1. It is absolutely imperative that land allocated for the establishment of any new school is appropriately sized to accommodate a school and that the land is suitable for its construction and adequately serviced. Policy LPRSP5(b) does not seek to require a secondary school site to be of sufficient size, shape or condition. Document ED63 Statement of Common Ground between Maidstone Borough Council and Defence Infrastructure Organisation. Paragraph 2.15 States:

A detailed masterplan is being progressed jointly by the DIO and MBC, looking at the site holistically, as a comprehensive redevelopment proposal. This "Key Diagram" is included as Appendix 1 of this document.

9.13.2. The County Council can confirm it has not been consulted as part of this detailed masterplan process with regards to the requirements relating to the necessary school site.

9.13.3. Appendix 1 of ED63 shows the Key Diagram below:



- 9.13.4. This proposes the school site to be within the area shaded blue on the plan. It is noted that this is labelled as '*potential future educational facilities*'.
- 9.13.5. The County Council has raised concerns that the size and shape of this land is not sufficient or appropriate. The component parts of a school are typically formed of rectangular shaped elements, such as playing pitches or buildings; these cannot be squeezed within irregularly sized shapes. School sites must be regularly shaped, the apparent rounded corners and misshaped protrusions do not represent land suitable for a school. Construction of a school on land not suitably shaped would need detailed architectural assessment to determine whether a school could be developed on it and, if it could be, it would without doubt cost significantly more to construct due to design changes deviating from the Government's Baseline design for schools.
- 9.13.6. It is understood from Paragraph 2.12 of ED63 that this area shaded blue corresponds with land ownership boundaries and therefore it may be assumed it has been identified due to ownership or commercial arrangements rather than suitability for a school as the principal concern of the parties. Additionally, the area proposed is not currently bare land or perceived as developable in the short term; the below shows an aerial view:



- 9.13.7. Not only is this area made up of gradient changes, but it also accommodates existing residential development which would require demolition and has a significantly sized area of mature woodland within it which would require full removal. This places doubt about whether the site could ever be used for a school and if it could, significant and

expensive remediation work would be required; the Local Plan Policy must require this of a developer, it cannot be a cost or activity falling on the County Council. The current proposed Policy does not require the site to be transferred to the County Council in a suitable condition or provide any details of how the land can be made into a suitable condition.

- 9.13.8. If this land could be remediated it would take time to do so; this conflicts with the need for a new school early within the plan period and further demonstrates that it is imperative the relevant Plan policies are explicit. The knock-on effect of the construction of a more expensive secondary school than would ordinarily be required is for the Plan's current viability assessment to be inaccurate as all contributing development will carry a greater development cost.
- 9.13.9. Document LPR5.1, the Plan's Viability Assessment, notes that '*Due to the scale of the strategic sites, there are requirements for site infrastructure above and beyond typical external works.*' and that these costs are detailed in Appendix 7 of the same document. It is not clear whether the necessary preparation and remediation of an area of land to provide a school site is included with these costs as Appendix 7 has been comprehensively redacted. It is reasonable to assume that it is unlikely to be the case as Document LPR5.1 is dated September 2021 and the first time the land use plans for LPRSP5(b) are referenced is within Document ED25, dated July 2022. The unknown cost which will have to be borne by all developments within the Plan could place their implementation in serious doubt.
- 9.13.10. Paragraph: 029 Reference ID: 10-029-20190509 of the Government's Guidance for Viability and Plan Making addresses how viability for education provision should be approached:

When considering viability it is recommended that plan makers and local authorities for education work collaboratively to identify which schools are likely to expand, and where new schools will be needed as a result of planned growth.

It is important that costs and land requirements for education provision are known to inform site typologies and site-specific viability assessments, with an initial assumption that development will provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development.

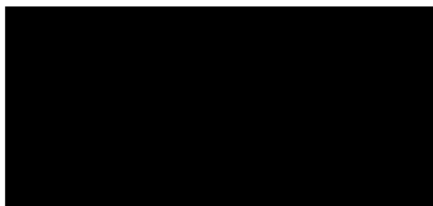
The total cumulative cost of all relevant policies should not be of a scale that will make development unviable. Local planning authorities should set out future spending priorities for developer contributions in an Infrastructure Funding Statement.

- 9.13.11. It is not evidenced within ED63 or any policy of the Plan that the funding for construction, the land or clearing the land for the new secondary school at Invicta Barracks has been incorporated within the relevant viability assessments, including the plan wide assessment. It is further not demonstrated that the additional cost of

the land for a secondary school will not be of a scale to make development within the Plan unviable.

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

Yours sincerely,



Simon Jones

Corporate Director of Growth, Environment and Transport

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Growth and Communities

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 Kent
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BY EMAIL ONLY

15 March 2023

Dear Councillor David Smith,

Re: Thanington Neighbourhood Plan Consultation

Thank you for providing Kent County Council (KCC) with an early opportunity to provide feedback on the draft Thanington Neighbourhood Plan.

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

KCC considers that the Neighbourhood Plan is too general and fails to provide specific examples of how the neighbourhood can be practically improved and clear ways to implement the policies. Government guidance states that Neighbourhood Plans should provide an additional level of detail to that set out in strategic policy, and must be supported by proportionate, robust evidence to justify the approach taken¹. KCC does not consider the Neighbourhood Plan to be in accordance with this guidance and therefore recommends that more evidence and detail is provided.

KCC, as Local Highway Authority, is also concerned by the aspersions made by the Parish Council on current and proposed traffic conditions, many of which are considered to be personal opinion and experience rather than based on evidence and facts. The alluding to a report which is unproven and considered factually incorrect is considered to be misleading by the Local Highway Authority, and KCC would welcome the opportunity to assist the Parish Council to ensure that correct data is included in respect of transport². Neighbourhood Plans must be prepared positively, in a way that is aspirational but deliverable and KCC therefore considers that the document should be worded more constructively to reflect this requirement.

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2>

² DevelopmentPlanningEast@kent.gov.uk

KCC, as Lead Local Flood Authority, also notes that certain sections are in conflict with the National Planning Policy Framework (NPPF), including Policy B7.3. Specifically, the NPPF identifies that certain types of developments **are** permitted within areas to be shown at high risk of flooding, following the application of the Sequential/Exception Test. Neighbourhood Plans must be compliant with national policy and KCC would therefore suggest that any conflicting statements in the document are removed to avoid constraining the delivery of important NPPF objectives.

The Parish Council is therefore advised to review the relevant sections of the Neighbourhood Plan and revise accordingly. Further comments made by KCC are set out below.

Chapter 1: Introduction

KCC considers that the Neighbourhood Plan for Thanington as currently drafted requires further detail and consideration. Whilst it recognises certain ambitions for the area, it does not appropriately identify where and how these wants and needs could be specifically incorporated. For instance, there is significant focus on how the four community buildings could be used to support further educational and social needs, but no explanation of how the premises could play a role in delivering this objective. KCC would therefore recommend that these objectives are further expanded on in the Neighbourhood Plan.

Objective A: To Promote A Healthy Community Content

A4 Access to Education

Provision of County Council Community Infrastructure and Services: KCC has prepared a response in respect of its responsibilities for Education, Community Learning, Libraries, Youth Services, Waste and Adult Social Care and draws attention to the following work undertaken by KCC in regard to the relevant policies and text:

KCC understands the need to ensure that there will be sufficient local school provision for local residents, with supporting community facilities and services. KCC is working with Canterbury City Council in its preparation of the emerging Canterbury Local Plan through assessing proposed dwelling numbers, locations of potential development sites and the subsequent need to provide education, community and waste infrastructure. This includes sites proposed with Thanington Parish Council's administrative area.

As the Strategic Commissioner of Education Places, KCC is required to ensure that sufficient places are provided to meet demand. As such, it is in the process of planning the delivery of a new two form entry primary school at the existing Cockering Road development (Application reference: CA/15/01479). Whilst mitigating the needs of the new development, this provision will be open to existing residents to apply for places and will provide a primary school centrally within the parish.

Regarding any new development under the emerging Canterbury Local Plan, KCC has proposed new primary education provision to meet the increased demand arising in the

parish. This will be dependent on new housing coming forward and is subject to securing developer contributions.

With regard to secondary education, provision is planned on a wider geographical area, including the district and in some cases, neighbouring districts. For the emerging Canterbury Local Plan, KCC has proposed two new secondary schools on the coast. With significant numbers of secondary pupils travelling from the coast into the city, this will allow for some redistribution of pupils, freeing up city school places and assisting to reduce vehicular trip movements.

Policy A4.1

Provision of County Council Community Infrastructure and Services: KCC is supportive of the intention to provide for sufficient, appropriate parking at educational facilities, and will seek new school sites to provide for the required level of education infrastructure, including parking provision for staff and visitors. Engagement will also be made with the Local Highway Authority, Canterbury City Council and developers to ensure that developments are designed to deter problem parking and enable walkable neighbourhoods.

Policy A4.2

Provision of County Council Community Infrastructure and Services: In respect of the objective for future developments to review the educational provision and developer contributions required for their proposals, the County Council is working with Canterbury City Council to ensure that the appropriate level of CIL/S106 contributions are made available for necessary infrastructure.

Policy A4.3

Provision of County Council Community Infrastructure and Services: The aim to protect land adjacent to schools to allow for potential expansion is noted and KCC is working with Canterbury City Council to ensure that appropriately sized sites are secured within the emerging Canterbury Local Plan to meet the demand arising from increased dwelling numbers.

A5 Safe and Healthy Homes

Sustainable Urban Drainage Systems (SuDS): KCC, as Lead Local Flood Authority, recognises that reference is made to the 'Building for a Healthy Life' guidance document, specifically "11. Creative surface water management such as rills, brooks and ponds enrich the public realm and help improve a sense of well-being and offer an interaction with nature. As the richest habitat for flora and fauna, they are also a key play in achieving the net gain in biodiversity as set by the 2020 environment bill". The Parish Council may wish to further reference the [National Planning Policy Framework](#) (NPPF), specifically paragraphs 159 to 169 which consider flood risk and the requirement for all developments to include sustainable drainage systems for surface water.

A6 Employment, Transportation, Physical Activity, and Nutrition

Sport and Recreation: Whilst KCC supports the Neighbourhood Plan's approach to provide sufficient community facilities within any new significant developments, it would recommend that any new plans align with the emerging Canterbury Playing Pitch Strategy, emerging Open Space Strategy and potential indoor sports facilities strategy.

Active Kent would also welcome the opportunity to advise the Parish Council on what facilities are needed in the area from a community engagement and physical activity perspective.

Objective B. Conserve The Natural And Historical Environment

B3 Landscape and Biodiversity

Public Rights of Way (PRoW): As a general statement, KCC is keen to ensure that its interests are represented within the local policy frameworks of the parishes in Kent. KCC is committed to working in partnership with the Parish Council to achieve the aims contained within the KCC [Rights of Way Improvement Plan](#) (ROWIP). This aims to provide a high quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

KCC would welcome the inclusion of how the Parish Council seeks to provide important access to and connectivity between areas of open and green spaces. It is imperative that open spaces can be accessed through sustainable modes of transport. To encourage active travel, it is advised that the wording of all text is strengthened to ensure that visitors can walk or cycle to open spaces.

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

Policy B3.4

Biodiversity: KCC considers that the wording of this policy is vague and would recommend the following paragraph to be used in replacement:

An Ecological Impact Assessment is submitted as part of any planning application. The Ecological Impact Assessment must follow the [CIEEM Guidelines](#). Where ecological impacts are identified and ecological mitigation is required, the site plans must demonstrate that it can be implemented.

The Neighbourhood Plan refers to the adopted Canterbury Local Plan policies, including Policy LB9 “All developments to avoid a net loss of biodiversity and pursue opportunities to achieve a net gain.” Biodiversity Net Gain (BNG) will be implemented in November. KCC recommends consideration of applications which may be excluded from the national legislative requirements, such as porch extensions, which are excluded from statutory BNG due to their small size. Therefore, KCC would suggest that any exclusions are in line with statutory BNG.

KCC would also encourage any open space/landscape buffers/developments to incorporate measures that would increase connectivity through the parish.

B7 Climate Change

SuDS: KCC would recommend that the requirements of the NPPF, particularly paragraphs 159 to 169, are applied and referred to in this section of the Neighbourhood Plan.

Policy B7.3

SuDS: KCC would advise the Parish Council that this policy, along with similar statements made within the Neighbourhood Plan, is in conflict with the NPPF. Specifically, the NPPF identifies that certain types of developments **are** permitted within areas to be shown at high risk of flooding, **following the application of the Sequential/Exception Test**. The requirements for and the reasoning behind the tests are further explained in NPPF paragraphs 159 to 169 and KCC would also draw attention to general [guidance](#) on the tests and their application.

KCC would advise the Parish Council to consider the following addition to the policy: unless demonstrated as acceptable via the application of the Sequential/Exception Test as detailed.

The application of the Sequential/Exception Test is a requirement for the Local Planning Authority to assess and may therefore be covered within the emerging Canterbury Local Plan. KCC would therefore advise the Parish Council to investigate if this requirement is contained within the emerging Canterbury Local Plan to avoid conflict with Policy B7.3.

B8 Public Foot, Bridle and Cycle Ways

PRoW: KCC strongly recommends that reference and consideration is had to KCC's ROWIP. Reference should be included within the Neighbourhood Plan to enable successful partnership working to continue and to deliver improvements to the PRoW network in Canterbury. 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.

KCC requests that the text is revised to include the significant benefit that a well-maintained PRoW network can bring to the socio-economic well-being of a rural area, and that it contributes towards more sustainable development; delivers active travel options; and provides opportunities for exercise, leisure and open-air recreation for all community user groups. The Neighbourhood Plan should make specific reference to PRoW and the opportunities offered to health and well-being, tourism, sustainable transport and access to

the environment as advocated by planning policy. The PRow network offers a significant role in helping to deliver health and wellbeing benefits to a wide variety of community groups, and this should be included within the Neighbourhood Plan.

The generic reference should be to the PRow network, rather than Footpaths and Bridleways, to ensure all routes are included. The text should also clarify that KCC has a statutory duty to ensure the network is recorded, protected and maintained. This can be in partnership with the parish Footpaths Group.

Paragraph 100 of the NPPF states that planning policies and decisions should protect and enhance PRow and access, including taking opportunities to provide better facilities for users. For example, by adding links to existing rights of way networks including National Trails. This is vital for inclusion into the Neighbourhood Plan to ensure protection and enhancement of the network.

KCC's ROWIP policy is to improve and upgrade the PRow network where it links with amenities, public transport nodes, work and education to increase the attractiveness of walking, cycling and riding as an alternative to driving. KCC collaborates with Local Authority Planners to secure PRow within green space and green corridors which actively ameliorate air pollution. For example, the Cocking Road development, with improvements to routes and upgrade of Public Footpath CB464 to Public Bridleway to ensure higher user rights and access.

KCC recommends that its ROWIP should be specifically mentioned in all relevant parish projects to aid decision-making and promote good design in both PRow and countryside access management. It is KCC policy to provide advice and guidance to landowners, planning authorities and developers. It is therefore requested that KCC is directly involved in future discussions regarding projects that will affect the PRow network both directly and with a wider countryside impact. KCC can 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 Parish Council to consider local aspirations for access improvements and potential funding sources for the delivery of these schemes.

Objective C: Sustainable Transport

Highways and Transportation: KCC recognises that the Neighbourhood Plan mentions Electric Vehicle charging infrastructure to be provided by new development proposals. However, it is not specific on whether such infrastructure should be located only within the new settlement boundary or if there is a need for it elsewhere within Thanington, such as within the community hall parking areas. The Neighbourhood Plan also identifies parking pressures within the village but fails to explain where this pressure is from. For example, if it is from existing households with limited or no off-street provision, or if it is due to traffic regulation orders limiting on-street provision. It also does not identify if the pressure is caused by visitors wanting to access the open spaces. Without understanding the reason behind parking issues, it is difficult to accommodate future needs. Development proposals will accord to current [Kent Vehicle Parking Standards](#) and as such should not be generating

additional parking pressure on the existing highways, as parking should be accommodated within the boundaries of the new development.

KCC also acknowledges that repeated reference is made to the need for improved walking and cycling routes, but there are no suggestions on where this can be provided or where improvement has been made. It is anticipated that locals would have ideas on particular links which would be utilised and could contribute to an upgrade of a public footpath to a bridleway or cycleway to accommodate cyclists, or where new connections on the PRow network may give a more joined up network to facilitate the residents of Thanington.

PRow: KCC recommends that reference should be made as to how the current PRow network supports and plays a role in local transport choices with a quality network, offering choice and encouragement of a modal shift away from short car journeys.

C1 Background

Highways and Transportation: In respect of Transport Related Issue 7 *“There is a lack of coordination and interrogation, of traffic data submitted by the various developers [sic] agents, and the influence of differing agendas and objectives of the various authorities, when assessing impact of traffic due to development.”*, KCC, as Local Highway Authority, refute this statement as the correct procedure has been followed by the Local Planning Authority and KCC as Local Highway Authority has similarly acted with due diligence in its role as a statutory consultee to the planning process. KCC notes that government guidance requires Neighbourhood Plans to be positively prepared, and the challenges faced by the neighbourhood should therefore be discussed more constructively.

In respect of Action 1, any submitted Transport Assessment is required to provide baseline traffic surveys of the existing network which shows the current operation of the network and how traffic is distributing prior to adding any committed development, future proposed infrastructure or future forecasting. The developers are **not** required, under planning law, to mitigate any existing impacts but to ensure that they offset any additional impacts generated by new trips from their development site in order to achieve nil detriment.

In respect of Action 7, any traffic modelling carried out must be supported by an up to date and validated transport model. The traffic modelling used to support the two large development sites currently within Thanington were supported by validated and current transport models.

The Neighbourhood Plan also refers to the Institute for Public Policy Research (IPPR) report dated July 2021 which predicts traffic growth. It should be recognised that such predictions were made outside of normal traffic conditions due to the pandemic, and such predictions are likely now updated and will reflect changing travel behaviours, peak hour spreading and lower traffic growth predictions post COVID-19.

The Neighbourhood Plan has a main concern about the impact of traffic congestion on the A28 between the Howfield roundabout and the A2/A28 junction leading into Wincheap. However, it makes no reference to the traffic likely to reassign to the new spine road through the Cockering Farm development which will lead to a reduction on the

aforementioned stretch of the A28. KCC would encourage this to be stated within the Neighbourhood Plan.

KCC also acknowledges the following statement made within the Neighbourhood Plan:

“The data submitted by Developers agents does not appear to have been subjected to sufficient due diligence or scrutiny. This, coupled with differing agendas, and objectives, of the various authorities, has lead to lack of objective traffic impact assessment of developments. This has been the case in the current approved major developments in Thanington.”

Reference is then made to the Railton Report, the content of which is strongly contested by the Local Highway Authority as being misleading and factually incorrect. This should therefore not be referred to in the Neighbourhood Plan. KCC would ask that this opinion be retracted from the Neighbourhood Plan and the document should stick to facts borne from a reliable evidence base.

KCC recognises the concern raised around the traffic impacts from the current development proposals on Cockering Road, Strangers Lane and St. Nicolas Road. These development proposals have all been subject to microsimulation modelling and evidenced to demonstrate that these roads can appropriately accommodate the increase in trips likely to occur from the new developments, with the approved junction modifications in place. As such, these views are unfounded and KCC would suggest that they be removed from the Neighbourhood Plan.

C6 Parking and Traffic

Highways and Transportation: KCC notes the following statements made within the Neighbourhood Plan:

“There is concern that the authorities have not assessed the traffic evidence correctly and this is supported by the plan consultation were [sic] 96% of the response agreed that traffic data needs independent assessment and evaluation. 96% agreed the existing highway system does not have the capacity and needs assessment before any future development This has not happened in the recent proposals, the emphasis being on the Traffic assessments supplied by the developer. Some of these have been found incorrect retrospectively, after grant of planning permission. There have also been concerns expressed regarding the mitigation measures proposed to deal with these issues. Yet again these have been found wanting retrospectively. This should be corrected by more consideration given to auditing independently what is submitted in Developer’s [sic] Traffic Assessments TA’S [sic]”.

KCC would highlight that this paragraph is factually incorrect and does not comply with government guidance which requires Neighbourhood Plans to be positively prepared. KCC would therefore ask that these statements be removed from the Neighbourhood Plan. KCC as Local Highway Authority have every confidence in the modelling outputs and assumptions made to support the two consented development proposals which were assessed by experienced and highly competent officers.

Objective D: Development

PRoW: KCC recognises the intention not to propose any sites for future development. If this is to change, KCC would advise inclusion of the following: In areas where there would be significant effect on PRoW, the network must also be included in the landscape planning of the infrastructure as a whole.

Equally, any future applicants for new developments should engage with KCC at the earliest opportunity. This would allow KCC to review proposals for access improvements and consider appropriate developer contributions for PRoW network enhancements, to therefore ensure there are sustainable transport choices available that provide realistic alternatives to short distance car journeys.

Tourism is an important industry for Kent and the landscape is a key attractor. Sustainable tourism is a way of supporting rural areas, providing jobs and supporting community services. The PRoW network and the ROWIP has a critical role in this, and as such there should be specific mention of KCC supporting improvements to walking and cycling routes where they can assist KCC's tourism objectives. It is imperative that the character and value of rural roads connected to development sites should not be changed to a state that they become dangerous or unattractive for non-motorised traffic.

D4 Community Facilities

Policy D4.4

Provision of County Council Community Infrastructure and Services: In respect of the intention for developments to require new primary and secondary educational facilities and be deliverable at application stage, KCC will seek to secure new school sites necessary for the delivery of primary, secondary and special educational needs to meet the demand of the emerging Canterbury Local Plan. The size of sites will be appropriate to the planned infrastructure delivery. For larger development sites, the entirety of demand for school places may be created by one development. For other school provision, demand will come from several sites which is especially the case for secondary education provision.

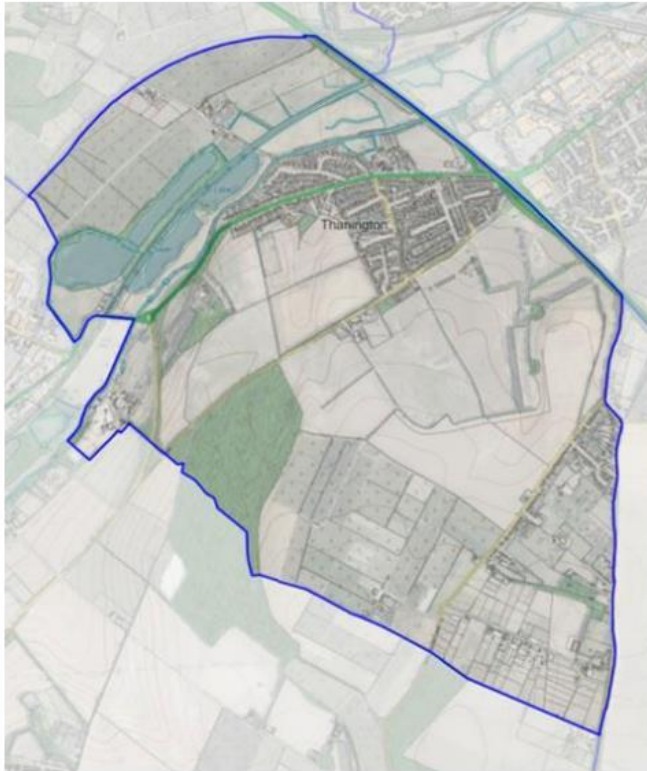
General Comments:

Minerals and Waste: KCC, as Minerals and Waste Planning Authority, can confirm that the Neighbourhood Plan area does not contain any safeguarded waste management facility or mineral and mineral products handling facilities. Therefore, the Neighbourhood Plan's content does not have to be considered against the presumption to safeguard (Policy CSW 16: Safeguarding of Existing Waste Management Facilities) or against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted [Kent Minerals and Waste Local Plan](#) (KMWLP) (2013-2030).

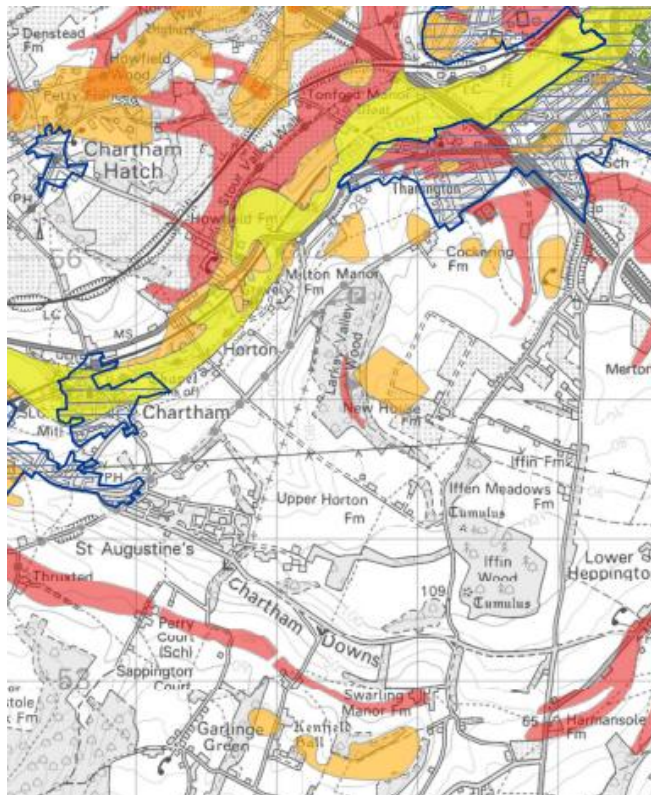
However, the area of the Neighbourhood Plan is coincident with three safeguarded land-won mineral deposits in the area. This is shown below in a map of the Neighbourhood Plan Area

and in the extract of the Canterbury City Council Mineral Safeguarding Areas proposal map of the KMWLP:

Map of the Neighbourhood Plan Area



Extract of the Canterbury Mineral Safeguarding Areas Proposal Map of the KMWLP



-  River Terrace Deposits
-  Sub - Alluvial River Terrace Deposits
-  Brickearth (Other Areas) - Ashford, Canterbury, Dover, Shepway

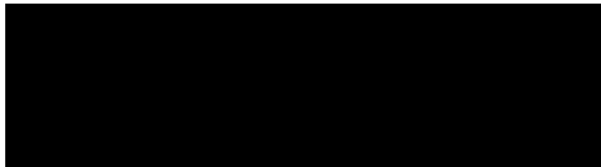
KCC therefore recommends that the Neighbourhood Plan refers to land-won mineral safeguarding.

Allocations within the Canterbury Local Plan may require a Mineral Assessment (MA) prior to the granting of planning permission – reference to this requirement could be included within the Neighbourhood Plan to ensure recognition of the policy requirements of the adopted Development Plan for the area.

Heritage Conservation: Heritage Conservation comments were provided direct to Thanington Parish Council on 8^h February 2023 (Appendix A).

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,



Stephanie Holt-Castle
Director for Growth and Communities

Encs:
Appendix A: KCC Heritage Conservation comments provided direct on 08.02.2023

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Thanington Neighbourhood Plan Consultation February 2023

Comments from KCC Heritage Conservation

B2 Historical sites

The text states that Thanington has 8 listed buildings and sites of historical interest. The NP area does indeed have 8 listed buildings but it has several other sites of heritage significance. It would be helpful to those using the NP if the parish's heritage could be reviewed at the start of this section rather than in an Appendix as it is central to understanding the purposes of policies B.2.1, B.2.2 and B.2.3. I have summarised the main points below.

Although Thanington lies well outside the historic core of Canterbury it nonetheless has a diverse heritage with several sites and buildings of significance recorded on the Kent Historic Environment Record and, no doubt, more to be added. The northern part of the NP area lies in an area of terrace gravels and head brickearth deposits from which five palaeolithic handaxes have been recovered, including from Milton Bridge and Cockering Hill. Elsewhere these deposits have produced very abundant flint finds and mammal fossils and it is possible further discoveries may remain to be found in the NP area itself. Recently, archaeological work adjacent to Cockering Farm has discovered a range of prehistoric evidence including a possible mesolithic flint working site, neolithic occupation, a bronze age barrow and a possible bronze age settlement. Other finds have been made including a bronze age razor and several iron age coins south of Cockering Road. As might be imagined given the proximity to Canterbury, there have been numerous Roman finds from the NP area. Two Roman roads run through Thanington – Stone Street which linked Canterbury to Portus Lemanis (Lympne) and a road that led to the Weald via the Ashford area. This latter road was seen in the recent excavations adjacent to Cockering Farm. Roman urns and a skeleton are reputed to have been found in the area in the 19th century. Possible Roman features were found on Thanington Road in 2010. Most of the Roman discoveries are coins and other metal artefacts including rings, brooches and cosmetic implements. More than 80 such finds are recorded from the NP area. There have been a small number of Anglo-Saxon finds from the area but there has been one significant discovery – an Anglo-Saxon grave containing a bead was found to the west of Martyrs Field. In addition to the medieval listed buildings already identified in the text, evidence of medieval land-use was found at cockering Farm and almost 100 metal items have been recovered by metal detecting in the fields south of Cockering Road. These include coins, brooches, animal harness fittings, buckles and keys. The evidence suggests that there is good potential for further archaeological discoveries.

Used well, Thanington's heritage can play a constructive role in life in the parish in the future. For example, it would be possible to bring the two Roman roads to greater prominence as landscape features or for community activities to study the parish's heritage further. It would be helpful if this can be highlighted in the text.

Policy B.2.1

I was pleased to see the setting of the heritage assets included in the draft policy. I would suggest, though, that this policy be re-worded somewhat for clarity
“Development proposals will be supported where they conserve and enhance any heritage assets and their settings that may be impacted by the proposals.”

Policy B.2.2

To provide more information for those preparing development proposals I would suggest this policy be rephrased thus:

Development proposals affecting heritage assets with an archaeological interest must be accompanied by a desk-based assessment, and if necessary by archaeological fieldwork, that :

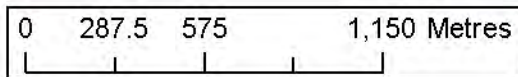
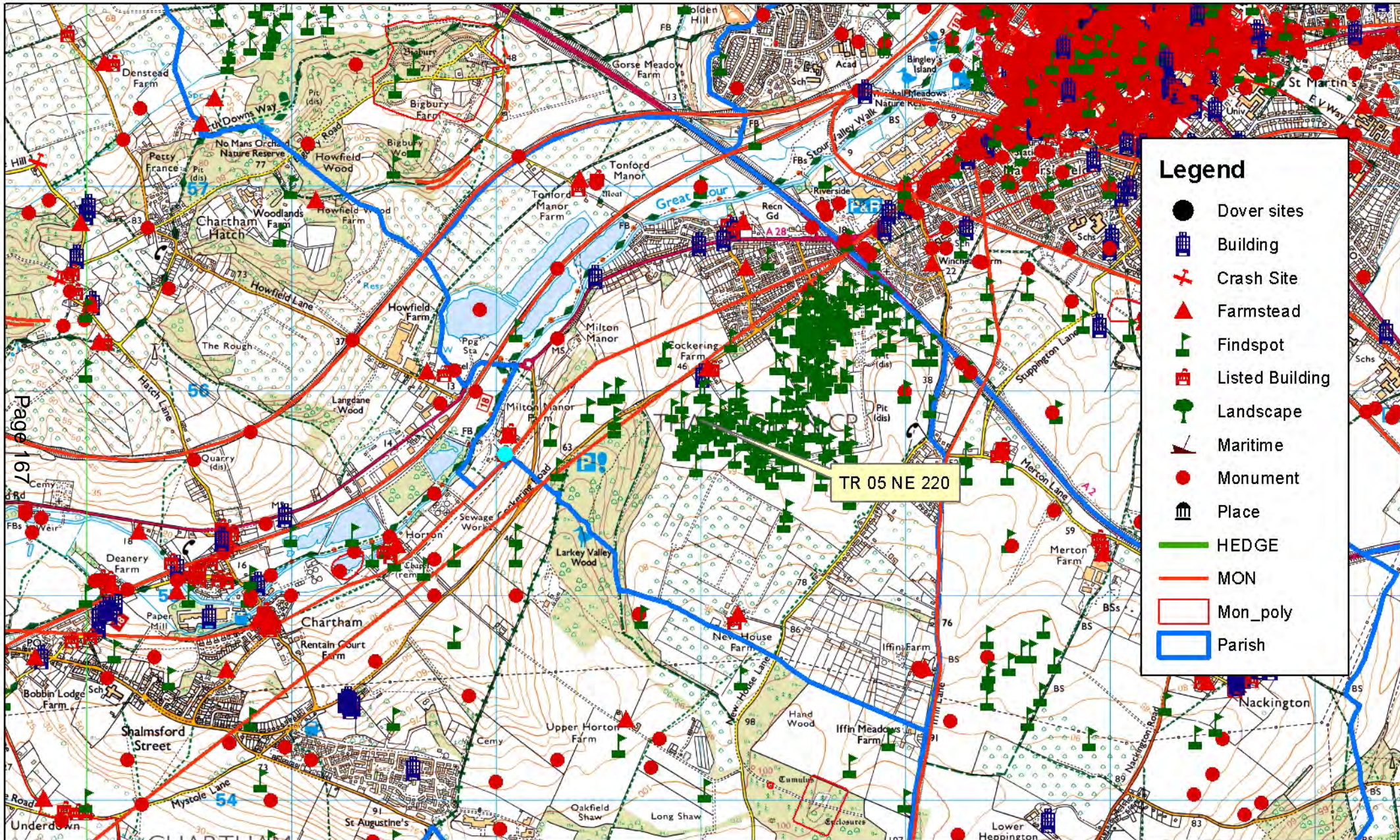
- *Characterises the nature, extent and condition of the archaeological deposits in the development area*
- *Assesses the significance of the deposits and the contribution made by their setting*
- *Describes and assesses the impact of the development proposals on the archaeological deposits, their significance, and their setting*
- *Describes how the archaeological deposits will be protected during development. Where this is not possible the assessment should clearly justify why this is not possible and should describe the proposals for mitigating any impacts*

Policy B.2.3

Despite best efforts it is not always possible to prevent heritage assets from being harmed by development. I would suggest that a more pragmatic policy might be written thus:

Where development proposals affect non-designated heritage assets with an archaeological interest, the Parish Council would expect the archaeological deposits to be preserved in-situ. Where this is not possible clear justification will be required. Where the justification is accepted a programme of archaeological recording may be required to be carried out

Kent Historic Environment Record - Monuments



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**Growth, Environment
& Transport**

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

BY EMAIL ONLY

17th March 2023

Dear James,

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

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

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

- Engineering works, infrastructure and associated facilities, together with interim works or temporary structures required by the development and other associated works including temporary meanwhile uses.

The County Council has provided support for the positively planned delivery of a new garden settlement at Otterpool Park supported by the timely provision of infrastructure in a truly green setting.

The County Council has worked closely with the District Council in the preparation of a submission of an Expression of Interest and the Locally-Led Garden Villages, Towns and Cities Prospectus. The County Council also engaged in preparation, examination and adoption of the Core Strategy Review, which provides detailed policies to guide this new strategic development.

This strategic location offers a unique range of opportunities to deliver a sustainable settlement of the highest quality, founded on garden city principles. Otterpool Park can offer an exceptional response to the demonstrable need for new homes by maximising the existing strengths of the area and embracing new and emerging environmental technologies to deliver a healthy, inclusive and thriving community.

The County Council has submitted four formal responses to this Outline Planning Application – 4 August 2019, 7 July 2022, 25 November 2022, 18 January 2023. The County Council would ask that commentary from these responses should be considered in the determination of the application by the Local Planning Authority. The County Council provides this additional response to provide overall consideration of the application, taking into account the application material submitted to date and the engagement between the Local Planning Authority and Applicant.

The County Council has welcomed the continued engagement with the Local Planning Authority and the Applicant and recognises that a considerable number of issues raised within its previous responses have been addressed. As set out within this response, many of the concerns of the County Council have been satisfied through the provision of planning conditions and through the Heads of Terms discussions for the Section 106 Agreement. It is of vital importance that the Applicant (Otterpool Park LLP) and the Local Planning Authority continue to engage with the County Council to ensure that the provisions and obligations which have been agreed to date are appropriately secured for the County Council to be satisfied that the necessary infrastructure provision will be delivered in a timely manner to support the proposals.

The County Council, as Minerals and Waste Authority, would continue to raise an objection to the planning application in respect of lack of provision of adequate waste facilities to support the development – referring the Local Planning Authority to the previous commentary on the matter as set out within the County Council responses to this application. The County Council, as Minerals and Waste Planning Authority, has included a proposal within this response to overcome this objection in the interest of identifying a more sustainable solution that addresses the waste arisings from this significant development and would welcome further engagement with the Local Planning Authority on this matter.

Highways and Transportation

The County Council, as Local Highway Authority, confirms that additional evidence has been provided and Section 106 Agreement provisions and Planning Conditions are being progressed which address previous concerns and objections to the proposed application. The Local Highway Authority will continue to engage with the Applicant and the Local Planning Authority as this application is progressed.

Public Rights of Way

The County Council, in respect of Public Rights of Way (PRoW), has welcomed the engagement to date in seeking to address the significant impact of the development on the PRoW network both on and off site and would refer back to the County Council's previous responses. The County Council expects this positive engagement to continue following determination of this outline planning application to ensure the routes affected and the wider area network are incorporated in line with the County Council's responses and objectives as the Local Highway Authority for Public Rights of Way as set out in the Kent County Council Rights of Way Improvement Plan (2018-2028).

Provision and Delivery of County Council Community Infrastructure and Facilities

The County Council looks forward to continuing to work with the Local Planning Authority to refine wording as part of the detailed Section 106 Agreement drafting stage to ensure that the County Council's objectives and requirements, as set out in our letter of 17 January 2023, are accommodated to ensure a sustainable and high-quality development.

The County Council has provided baseline proposals for community services to ensure that the development is sustainable and its impacts are mitigated. These are of a similar order to what is being proposed in other Garden Towns. The County Council is however happy to collaborate on innovative design solutions, which if jointly agreed can be considered for inclusion in the Section 106 Agreement. While the Applicant is proposing to directly deliver most of the infrastructure, the County Council has provided indicative costs should this not be the case.

As previously indicated, the County Council is content to adopt a "monitor, manage and review" approach in respect of the delivery of community infrastructure. It has, however, proposed triggers to provide certainty that infrastructure will be delivered in a timely way. These triggers can be varied through the monitor, manager and review mechanism subject to agreement of detailed wording.

The County Council is aware that an "Arsenal" condition may be under consideration to address the fact that Folkstone and Hythe District Council owns part of the site and may be unable to enter a S106 agreement with itself.

The County Council considers that a S106 is the most effective way of ensuring that a development is sustainable, and that key infrastructure is delivered in a timely way.

The County Council also suggests that there are ways of deploying a S106 where the LPA is also a landowner. A short-term solution, for example, might be for the District Council to enter into an agreement with KCC to assist with enforcement. An alternative option might be for another landowner to enter an agreement on behalf of others, who become signatories on the transfer of land.

Before any decision is made on the application and **WITHOUT PREJUDICE**, the County Council would welcome sight of the relevant legal advice and a discussion to understand how any risks, associated with relying on an Arsenal condition, would be mitigated and whether there might be more effective alternatives available.

Education

The County Council, as Local Education Authority, has reached agreement with the Applicant relating to the education requirements for the proposal, relating to sites, site sizes and the overall demand. This agreement will need to be secured within the Section 106 Agreement to the satisfaction of the Local Education Authority. The County Council, as Local Education Authority, seeks continued engagement with the Applicant and Local Planning Authority in regard to securing the necessary financial contributions.

The County Council recognises that the Applicant has a vision for the development, which includes education delivery – timing and design. The County Council has been in discussion with the Applicant in respect of the direct delivery of schools, however, it will be for the school itself to have the responsibility to set their vision which will hopefully align with that of the Applicant.

Minerals and Waste

Minerals

The County Council, as Minerals and Waste Planning Authority, has set out within its previous responses to this application that the development adversely affects the safeguarded economic minerals of soft sand (the Folkstone Formation) and ragstone. The County Council, as Minerals Planning Authority, notes that no further information has been submitted within the revised information provided by the Applicant to address mineral safeguarding considerations. The County Council would therefore continue to draw attention to the points raised within its previous response dated 25 November 2022. In respect of the landwon safeguarded minerals that are affected by the development, the County Council does not consider that the application adequately demonstrates an exemption from the presumption to safeguard for the above minerals against the exemption criteria of Policy DM7 of the adopted Kent Minerals and Waste Local Plan. In respect of ragstone, however, whilst a persuasive case to exempt the mineral from safeguarding has not been demonstrated, it is likely that the ragstone material is not sufficiently economically attractive and therefore a policy exemption could be made. This is not the case for soft sand. This material is a particularly important resource in the County of Kent and the wider Southeast, where it is found in the more sensitive National Parks and Areas of Outstanding Natural Beauty (AONBs). Further work is necessary to ensure that this important mineral is not

sterilised and to satisfy national and local mineral safeguarding policy. The material also has an important role to play in the delivery of the development's sustainability credentials, with the potential to be used as on-site construction material. It is noted that the application documents recognise the potential benefits of using site-won materials from a sustainability perspective and they may also support the viability of the scheme.

The Local Planning Authority and the County Council, as Minerals and Waste Planning Authority, have therefore worked proactively to address the Council's objection on mineral safeguarding and to ensure that the economic minerals are not needlessly sterilised. As a result, the County Council is satisfied that the matter may be addressed with a suitably worded condition. The Minerals and Waste Planning Authority therefore raises no objection, subject to the inclusion of a planning condition to reflect the following:

Minerals Extraction

Prior to or concurrent with the submission of the relevant phase framework submitted under condition [X] for parcels HF.1, HF.2 or HF.3 a written assessment of the potential for site won soft sand material shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- A. Quantity and quality of materials present including borehole data*
- B. An assessment of the suitability of the resource for construction purposes*

Where it is demonstrated that the mineral is suitable for construction purposes a scheme of extraction shall be incorporated into the Site Wide Code of Construction Practice setting out the proposed:

- A. Method of extraction*
- B. Noise mitigation measures*
- C. Hours of working*
- D. Plan of restoration*

The development shall proceed in accordance with the approved plan.

Reason: To avoid sterilising scarce strategic safeguarded mineral resources and in the interests of sustainable development

Waste (including Waste Management)

The County Council, as Minerals and Waste Planning Authority, has set out within its previous responses that the application has not satisfactorily addressed how the waste arisings from the development will be managed. To be acceptable in policy terms, more certainty is needed on how the necessary infrastructure will be delivered.

The submitted Environmental Statement (ES) has incorrectly assumed that this requirement could be accommodated (in the short term) at Ashford or Thanet. Whilst the ES acknowledges that a Waste Transfer Station (WTS) would be required to meet the arisings

from the development, it does not provide sufficient confidence around how that facility will be secured.

The ES refers to the County Council having a duty to provide Waste Transfer facilities, but the application is also required to mitigate the impacts of the development in a similar way that other impacts might be mitigated e.g., schools - despite the County Council also having a responsibility in this area.

The County Council, as Minerals and Waste Planning Authority, is already working in close collaboration with the Local Planning Authority and the Applicant to bring forward a new WTS to serve the District and the Otterpool Park Development. The County Council has therefore sought to take a balanced approach in respect of the application and is only seeking a **proportion** of the costs of a new WTS (in line with the Kent Developer Contributions Guide). It is also allowing for land to be transferred in lieu of a contribution rather than potentially at nil value as referenced in the Kent Developer Contributions Guide.

A development opportunity of this scale might reasonably be expected to consider the need to accommodate strategic infrastructure requirements, especially where there was a need already identified.

As no provision has been made for WTS facilities that mitigate the arisings from the development, the County Council, as Minerals and Waste Planning Authority, **objects** to the application as submitted, unless necessary planning obligations are secured to ensure that necessary waste infrastructure provision is provided to meet the arisings from the development as set out below.

The proposed obligations are designed to safeguard land within the development in the event that an off-site solution is not available. The County Council, as Minerals and Waste Planning Authority, also requires confidence on the level and timing of the required contribution in order to progress decisions in the near future and reduce the need for a fall back site option to come into play.

OTTERPOOL PARK – Extract from Heads of Terms for the Section 106 Agreement – WASTE OBLIGATION

Waste Review Group (WRG) and Waste Arisings	<ul style="list-style-type: none"> To set up WRG to include arrangements in place for its future operation - observe and perform the requirements of the WRG Terms of Reference which will support and communicate delivery plans [to be agreed] All parties to use reasonable endeavours to work collectively to secure a waste transfer station 	WRG to be established Within 6 months of planning permission	<p>Necessary</p> <p>Directly related</p> <p>Fairly and reasonably related in scale and kind</p>
Safeguarding land for a waste facility	Unless and until a site is secured for a WTS in the vicinity of the development, an alternative site	Submission of site	

	<p>e.g. Otterpool Quarry, within the commercial area or another suitable site within the development, shall be safeguarded. This “alternative site” shall be agreed before the S106 is signed.</p> <p>In the event that the “alternative site” is required, it shall be transferred to the County Council (mechanism to be agreed before S106 is signed).</p>	Transfer, if required, by occupation of 500 units or as agreed with the County Council.	
Contribution	A contribution of £1,653,000 shall be paid before the occupation of the first unit, currently index linked by BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct 16 Index 328.3). Subject to the agreement of the County Council, contributions could include contributions in kind e.g. land or services	On first occupation	

The above is the County Council’s formal position. In the event that the Local Planning Authority is minded to override the objection from the County Council, as Minerals and Waste Planning Authority, and in the interest of identifying a more sustainable solution that addresses the waste arisings from this significant development, the Local Planning Authority may wish to consider the following amendments to the obligation currently under discussion.

WASTE – LPA Proposal with the County Council suggestions highlighted in yellow				
1.	Waste Review Group (WRG) and waste Arisings	<ul style="list-style-type: none"> To set up WRG to include arrangements in place for its future operation - observe and perform the requirements of the WRG Terms of Reference [to be agreed] which will support and communicate delivery plans. All parties to use reasonable endeavours to work collectively (to mean in accordance with a timeline and work programme agreed through the WRG) to secure a waste transfer station capable of accommodating the waste arisings from the development. 	WRG to be established Within 6 months of planning permission	Necessary Directly related Fairly and reasonably related in scale and kind
2.	Waste Facilities Contribution	<ul style="list-style-type: none"> Owner is required to meet the cost of disposing of waste arisings from the development (£1,653,000). Form of contribution to be agreed before S106 is signed, including contributions in kind. Provision for the land to be safeguarded and transferred on terms to be agreed subject to this being in conformity with the outline consent. 	1 st occupation (if financial contribution) or as WRG agrees	Necessary Directly related Fairly and reasonably related in scale and kind

Sustainable Urban Drainage Systems

The County Council, as Lead Local Flood Authority, generally accepts the principles for the management of surface water but would refer back to the previous comments provided in

respect of this application, including the request for the inclusion of the proposed planning conditions provided to the Local Planning Authority on 3 February 2023.

The County Council, as Lead Local Flood Authority, requests continued engagement in any matter relating to the management and treatment of surface water or ground water at Tier 2 and Tier 3 stages.

Heritage Conservation

The following sets out Kent County Council Heritage Conservation's updated advice on the planning application and reflects the further information that has been submitted and the discussion that has taken place with the Local Planning Authority and the Applicant. This includes comments provided on 28 June 2022 and 18 January 2023. The advice set out below should be read alongside the County Council's previous responses and recommendations.

Summary

Kent County Council Heritage Conservation continues to have concerns around the level of harm that will be caused to important heritage assets, including assets of the highest significance.

The County Council acknowledges and welcomes the dialogue, discussion and consultation that has continued since it last provided the Local Planning Authority with formal advice and is pleased that some of the earlier concerns have been addressed. In particular, the County Council welcomes the positive discussions that have been held on Section 106 Agreement Heads of Terms and how these can be used to secure heritage benefits.

The area of greatest concern remains the treatment of some of the barrows within the proposed development site, particularly the barrow cemetery at Barrow Hill and Barrow 44. The County Council's continued advice is that these concerns should properly be addressed by amendments to the parameter plans. It is the County Council's view that in the context of the overall development, the amendments the County Council has recommended are minor and would not fundamentally limit the wider social, cultural, economic and environmental benefits that the application seeks.

The County Council therefore suggests that it is possible that concerns might be alleviated (but not fully overcome) by the agreement of condition wording to reduce harm through control of development within the setting of the barrows. The County Council has provided the Local Planning Authority with suggested wording for such conditions but note that final condition wording has not yet been agreed, although progress has been made. In addition, the Local Planning Authority have also put forward a draft condition which seeks to safeguard the setting of Barrow 44 and the intention would be to address any residual concerns in final drafting. The County Council, in respect of Heritage Conservation, would welcome the opportunity to continue ongoing discussions on the precise wording of conditions.

The rich heritage of Otterpool Park

The proposed site for Otterpool Park possesses a rich and varied array of heritage assets. These heritage assets explain how people have lived in and shaped the landscape that we see today over several millennia. They comprise a tapestry of buried archaeological remains, earthworks, landscape-features, and built heritage assets and include assets designated because of their national importance.

These high-grade designated heritage assets include the 14th century Westenhanger Castle, a Scheduled Monument and Grade I listed building of outstanding significance; the scheduled causeway which was once the main access to the Westenhanger complex; a scheduled barrow cemetery (comprising seven barrows); and two further individual barrows which are designated as scheduled monuments. Other important archaeological assets, such as the Otterpool Park Roman villa, are not currently designated but are judged to be of a level of significance that justifies consideration for designation in accordance with the National Planning Policy Framework footnote 68.

The site's designated heritage assets include ones that have been newly identified (or whose significance is more fully understood) as a result of archaeological investigations carried out in support of the planning application. The County Council notes, however, that there are still large areas of the site that have not yet been subject to archaeological field evaluation, or where only non-intrusive archaeological evaluation works have been carried out. It remains a very real possibility that further nationally important buried archaeological remains might yet be revealed within the Otterpool Park site. It is therefore essential that archaeological investigations are carried out sufficiently early (to inform Tier 2 work) and there is sufficient flexibility to allow for the preservation or other safeguarding of future important discoveries. This provision is currently proposed to be secured via a planning condition with wording agreed by the County Council.

Impacts on heritage assets

The County Council would welcome the principle of ensuring that Otterpool Park has a clear sense of identity. The County Council agrees that the rich heritage of the area must play an important role in the identity of the new settlement. The National Planning Policy Framework (NPPF) highlights the role that the historic environment can make to sustainable communities and the positive contribution that it can make to local character and distinctiveness.

It must be acknowledged, however, that the construction of a new town at Otterpool Park will cause harmful impacts to a wide range of heritage assets. Such harm will result from physical impacts to heritage assets, or as a result of changes to an asset's setting or include both in combination. In respect of Heritage Conservation matters, the County Council previously provided the Local Planning Authority with detailed advice (dated 28 June 2022) that sets out its assessment of harm to various aspects of the site's heritage. The County Council has also previously set out positive recommendations for improvements that seek to further minimise or avoid harm, but in the view of the County Council, these have not all been fully addressed.

Westenhanger Castle and Causeway

In their advice of 16 January 2023, Historic England assessed the Otterpool Park proposals as having the potential to cause a high level of harm to the significance of Westenhanger Castle and that the harm would lie at the upper end of the range of less than substantial harm. The County Council agrees with this assessment of harm. For the associated scheduled causeway Historic England judge in NPPF terms that the harm to the causeway would again be less than substantial, this time in the middle of the range. Again, we agree with Historic England's assessment of harm.

Barrows

The treatment of the scheduled barrow cemetery at Barrow Hill and the scheduled Barrow 44 are still of particular concern. The County Council has previously advised how development within the present parameters set by the application could cause harm to these high-grade designated assets and maintained an objection on this basis.

For the scheduled barrow cemetery, the County Council considers that the harm will likely be twofold – firstly through change to its setting and secondly, and more importantly, from the severance of Barrow 131 from the rest of the scheduled cemetery. This is because the current parameters allow for development between this barrow and the other members of the monument group. In the County Council's previous advice, it judged that this harm would likely be at the upper end of the less than substantial range. The County Council notes that Historic England has reached the same conclusion as to the level of harm.

Since reaching this judgement on the level of harm, the County Council has engaged in further discussions with the LPA on how possible condition wording could be used to overcome this objection. However, the County Council remains of the view that the proper way to address these concerns is by requiring amendments to the Parameter Plans.

If the County Council concerns are to be addressed by condition, and its previous objection in respect of Heritage Conservation overcome, then the wording must require the barrow cemetery to be understood and experienced as one cemetery group within one contiguous area of open space. If the application continues to allow intervening development (other than the proposed movement corridor) between Barrow 131 and the other barrows of the scheduled cemetery, then the County Council cannot see how the NPPF requirement to avoid or minimise harm can be judged to have been fulfilled.

For Barrow 44, the County Council's concern was that development could be brought forward within the current Parameter Plans that would fundamentally change the setting of the scheduled barrow. In this respect, the Environmental Statement is clear in its assessment that the proposals will "*preserve the barrow itself and a narrow buffer and not any of its setting*". The County Council acknowledges the intention that further control is supplied through other documents submitted for approval and in particular by the Strategic Design Principles document. The Strategic Design Principles intend that the relationship with the river valley can be appreciated through landscape design, but the County Council does

not find this commitment to be sufficiently detailed to be certain of the precise and exact nature of development impacts.

Where such uncertainty exists, it is necessary and accepted that a cautious approach should be followed. The County Council judges, taking the documents as a whole, that the harm to the barrow is most likely to fall at the very upper end of the less than substantial range. The County Council notes that Historic England has reached broadly the same conclusion, but advises the potential exists for the harm caused to be substantial in NPPF terms. The County Council therefore agrees that this remains a potential 'worst case' outcome.

Due to the high level of harm that might be caused, and because that harm is caused to an asset of the highest significance, the County Council continues to advise that the correct approach would be to seek amendments to the parameter plans to reduce harm. Without such amendments, the County Council cannot recommend that harm has been adequately avoided or minimised as set out in the NPPF, nor that "great weight" has been given to the asset's conservation.

The County Council has previously discussed with the Local Planning Authority how the inclusion of a specific planning condition relating to Barrow 44 could be used to help reduce (but not fully minimise) harm. For this to be achieved, the County Council advises that it is necessary that any condition requires the developer to deliver open-space connectivity of sufficient size to allow the relationship between the barrow and the river valley to be appreciated and understood.

For both Barrow 44 and the barrow cemetery, the County Council notes the great weight that the NPPF places on the conservation of heritage assets and notes that this weight is greatest for assets of the highest significance (which includes scheduled monuments). The County Council considers if means of minimising harm remain unimplemented, this would prejudice an ability to demonstrate that great weight has been given in decision taking. The County Council also notes that Policy HE2 of the Places and Policies Local Plan 2020 (which forms part of the local adopted Development Plan) relates to archaeology and notes that "*important archaeological sites, together with their settings, will be protected and, where possible, enhanced*". It states that development which would adversely affect important archaeological sites "*will not be permitted*".

Delivering public benefit

Given the harm that will be caused to the historic environment, the County Council considers it essential that the proposed development delivers substantial benefit, and this must include a comprehensive package of heritage benefits. County Council considers that this benefit should take a variety of forms that collectively contribute to the heritage vision set out in the Otterpool Park Heritage Strategy.

Creating knowledge that answers key research questions about our past and providing sustainable long-term futures for retained heritage assets are examples of heritage benefit.

Opportunities for engagement with the heritage of Otterpool Park should be built into the development from the outset, so that new and future residents can interact with and enjoy

the heritage of the site. The County Council welcome commitments within the Environmental Statement to the creation of on-site heritage interpretation, trails and walks and these should be secured accordingly.

The County Council considers that on-site facilities for heritage interpretation should be included, either within dedicated spaces, or preferably integrated with proposed community venues, schools and public buildings. These facilities should include for the permanent and temporary public display of archaeological finds and exhibitions.

The long-delivery timetable means that new residents will be living at Otterpool Park as archaeological mitigation works progress. The County Council considers that this presents an exciting opportunity for people to become actively engaged in the site's heritage by participation in archaeological-led activities through the life of the development programme. The County Council remain of the view that this would be best delivered by the employment of a project specific community archaeologist.

The County Council welcomes the positive progress which has been made in agreeing appropriate mechanisms to secure public benefit and the welcomes the provisions set out in the emerging draft planning conditions and Section 106 Agreement Heads of Terms being progressed by the Local Planning Authority. The County Council requests continued engagement with the Local Planning Authority and the Applicant in respect of Heritage Conservation and the wording of the Section 106 Agreement and planning conditions.

Biodiversity

The County Council is satisfied that there are opportunities within the site to provide ecological mitigation and ensure that the site can result in a biodiversity net gain.

However, to ensure that this can happen there is a need to ensure that the following is implemented:

- Habitat Creation in a timely manor
- Suitable management carried out within the site
- On going monitoring to ensure that the mitigation is successful and the Biodiversity Net Gain (BNG) is being achieved.
- Management plan reviews are carried out regularly to ensure that the results of the monitoring support the ongoing management.
- Appropriate off site mitigation can be implemented for breeding birds.

The County Council has been engaging with the Local Planning Authority to ensure these considerations are included within the draft planning conditions.

In addition, there is a need to ensure that the ongoing management of the site is carried out to ensure that the ecological interest of the development footprint does not improve prior to construction. If the fields stop being farmed it's likely that the species populations within the site will expand and cause a significant problem for future phases as there may not be capacity within the site to mitigate the impact.

Country Parks

The County Council expects that the proposal will have a material impact on the use and number of users at Brockhill Country Park. The County Council has previously raised concerns relating to the impacts of the Otterpool Park development on the County Park relating to car parking capacity, and the pressure on the park facilities including paths and play spaces. It is expected that the impact on the park may be affected by the timing and delivery of the recreational and green space at Otterpool Park. It is not expected that in the immediate term, the facilities provided at Otterpool Park will be comparable to those provided at Brockhill County Park , which includes staffing and changing places facilities.

The County Council would welcome continued recognition of the opportunities for community development, educational and learning at the park and would welcome continued engagement with the Applicant and the Local Planning Authority in securing necessary contributions through the Section 106 Agreement.

The County Council would like to thank Folkestone and Hythe District Council and its officers for the continued collaborative approach they have taken to date to positively plan for the delivery of a new garden settlement at Otterpool Park that is supported by the timely provision of infrastructure. However, as this response highlights, there are a number of matters that require careful consideration. The County Council would welcome continued engagement with the applicant and the Local Planning Authority to ensure that key infrastructure and services continue to be planned for, funded and delivered to a high standard at Otterpool Park.

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

Yours sincerely,

Simon Jones
Corporate Director, Growth, Environment and Transport

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BY EMAIL ONLY

21 March 2023

Dear Sir/Madam,

Re: Broadstairs and St Peter's Neighbourhood Plan Review 2nd Edition - Regulation 16 Consultation

Thank you for consulting Kent County Council (KCC) on the Broadstairs and St Peter's Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

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

7.0 The Broadstairs & St Peter's Area

Public Rights of Way (PRoW): KCC requests that reference is made within the Neighbourhood Plan to the PRoW network within the parish, and the new National Trail - the England Coast Path. These assets are of significant benefit to the area's landscape, character and infrastructure. KCC also requests inclusion of the Definitive Map for the parish to support the Neighbourhood Plan. A copy should be held by the Town Council, however, the County Council is able to provide this if necessary¹. KCC also recommends that a statement is included within the Neighbourhood Plan regarding the increasing importance of the PRoW network for sustainable connectivity and active travel across the town and the wider area, with use beyond leisure opportunities.

Heritage Conservation: The Neighbourhood Plan covers an area that is significantly larger than the historic town of Broadstairs, including large rural areas and other areas that have only been developed relatively recently. It is therefore appropriate in the Neighbourhood Plan

¹ prow@kent.gov.uk

to consider the history of the full area – not just the town of Broadstairs. At present, however, the Neighbourhood Plan only considers the town of Broadstairs and St Peter's and only from the medieval period onwards. As such, it is the view of KCC that the Plan is therefore neglecting an important and potentially very useful part of the area's past.

KCC notes that Palaeolithic handaxes (c. 700,000 BC to 10,000 BC) have been found from three locations in the area and much of the brickearth in the area has been classified (following KCC research) as being of moderate potential for the recovery of further Palaeolithic finds. Only a small number of Mesolithic flints (c. 10,000 BC to 4,000 BC) have been found locally but the area covered by the Neighbourhood Plan is particularly rich for Neolithic and later finds. There have been several discoveries of Neolithic flint implements (c. 4,000 BC to 2,000 BC) from the area including along the cliffs between Broadstairs and North Foreland Lighthouse, St Peter's and Dumpton Gap and Neolithic occupation sites have been found at Stone House School, Dumpton Gap Road, Thanet Reach Business Park and Westwood. There may even be a Neolithic flint mine close to Dane Court Grammar School. There are also numerous ring-ditches in the area, observable from aerial photography. These represent funerary monuments, and many are likely to be later Neolithic or Bronze Age (c. 2,000 BC to 700 BC) in date. There are a large number of Bronze Age sites from the area. These include occupation sites, enclosures, field systems, barrows and metal hoards making the Broadstairs area one of the richest in the county, and probably the country, for the period. As the part of the country closest to the continent, the area is also rich for Iron Age finds (c. 700 BC to AD 43). Settlements have been found at Lanthorne Road, South Dumpton Gap, Vale road and North Toreland Road. A possible defended enclosure has been observed near North Foreland Lighthouse and there are hundreds of records of iron age coins being found in the district. There are also more than 20 recorded Roman sites in the area (c. AD 43 to AD 410), including occupation sites, possible villas, cemeteries and rural sites. Finally, the area includes many Early Medieval sites (AD 410 to AD 1066) that pre-date St Peter's including cemeteries containing archaeologically rich burials and sunken-feature buildings.

The above summary demonstrates the rich archaeological heritage of the area. All periods of the past have left an imprint in the landscape of Broadstairs and the surrounding area and significant discoveries continue to be made. The archaeological heritage of Thanet is one of the richest in the entire country and KCC would suggest that it can serve a wide range of uses for the Broadstairs community. For example, it can add character to the area, whether existing or new build; can be used for educational and tourism purposes; contribute to health and well-being; and help social inclusion. A Heritage Strategy can be used to consider the opportunities provided by the area's heritage. KCC would draw attention to the [Dover Heritage Strategy](#) as an example for the Town Council to review and consider how these opportunities can be developed within the Broadstairs and St Peter's Neighbourhood Plan.

8.0 Vision and Objectives

PRoW: KCC is supportive of the Vision for the neighbourhood and would request that Objective 9, which considers that good transport and traffic management practices are developed for the benefit of residents and visitors, is amended. The Town Council should encourage the modal shift to walking, cycling and riding as an alternative to driving. This should therefore be reflected in transport infrastructure.

9.0 Planning Policies

PRoW: As a general statement, KCC is keen to ensure that its interests are represented within the local policy frameworks of the parishes in Kent. KCC is committed to working in partnership with Town Councils to achieve the aims contained within the KCC [Rights of Way Improvement Plan](#) (ROWIP). This aims to provide a high-quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

KCC strongly recommends that reference and consideration is given to the PRoW network and KCC's ROWIP. Reference should be included within the Neighbourhood Plan to enable successful partnership working between KCC and the Town Council to continue and deliver improvements to the PRoW network in Broadstairs and St Peter's. Joint delivery of the ROWIP will ensure significant benefits, including access to additional funding opportunities. This is evidenced in the ROWIP Key Themes 'Evolution of the network' – Section EN04, 'Rights with responsibilities' – Section RR01 and 'Efficient delivery' - Sections ED02 and ED07.

Emergency Planning and Resilience: The County Council suggests that an Environmental Sub-Committee could be formed which could look to agree specific targets around the three main objectives set out within section 9.1.1 which focus on improvements to air quality, biodiversity and the built environment. The County Council would also recommend that policies seek to support actions such as the exploration of biodiversity opportunities, to better promote positive environmental outcomes.

9.1 Place and Environment

Sustainable Urban Drainage Systems (SuDS): KCC, as Lead Local Flood Authority, observes that consideration has not been given to drainage infrastructure or surface water management within the Neighbourhood Plan. This was mentioned in the 2018 Broadstairs and St Peter's Neighbourhood Plan Regulation 16 Consultation. Previous comments made in respect of that consultation therefore still apply and KCC asks that they are taken into consideration:

The Broadstairs and St. Peter's Neighbourhood Development Plan does not include any consideration of drainage infrastructure or surface water management. Unfortunately, this locality has experienced local drainage and flood problems in the past as documented in the [Thanet Stage 1 Surface Water Management Plan](#) (May 2013).

The more recent [Flood Risk to Communities Thanet](#) (June 2017) indicates that there is no specific risk to dwellings; however, if the area is to accommodate growth, it is important that any potential impact on drainage infrastructure is appropriately mitigated.

The County Council would encourage the consideration of a section within the Neighbourhood Plan with respect to infrastructure. This should include consideration of how infrastructure should be provided, and how sustainable drainage should be implemented within any new development.

Good practice supports drainage which is integrated within open space, at the surface and which provides multi-functional space. This is supported in the NPPF, which promotes drainage systems which are multi-functional; for example, biodiversity, landscape and amenity benefits can be provided through surface pond systems rather than below the ground crate attenuation.

9.1.1 Climate Change and Sustainability

PRoW: KCC recommends that the importance of sustainable, active travel as a key element of achieving change should be included in the Neighbourhood Plan. This should reflect the extent to which the PRoW network meets the likely future public need in contributing towards more sustainable development.

9.1.2 Clean Air

Policy CC1 Clean Air for Residents

PRoW: KCC recommends that this policy references transport and travel, as replacing private vehicle journeys with active travel should help to address low carbon targets, air quality issues, and improve public health. KCC ROWIP policy is to improve and upgrade the PRoW network where it links with amenities, public transport nodes, work, and education to increase the attractiveness of walking, cycling and riding as an alternative to driving (Action 2.2). KCC collaborates with planners to secure PRoW within green space and green corridors, both of which actively ameliorate air pollution.

9.1.3 Improving Biodiversity

Policy CC2 Biodiversity

Biodiversity: KCC recognises that this policy refers to all planning applications providing at least ten percent Biodiversity Net Gain. The wording includes applications excluded from the need to deliver Biodiversity Net Gain under the Environment Act, for example, small applications such as a single garage.

KCC would therefore recommend that the policy is amended in line with the Environment Act and the relevant applications which are required to provide Biodiversity Net Gain are specified.

9.2.2 The 'Green Wedge'

Heritage Conservation: As the text notes, the 'Green Wedge' approach will be important to helping the area retain its distinctiveness and character. However, to help protect the wedges, it will be important to help people value them in their own right, not just as barriers to development. This is more likely to happen if people understand the history of these areas and a process called landscape characterisation can contribute to this. The landscape that is visible today is the result of many centuries of evolution and the pattern of roads, tracks, field boundaries and hedgerows that gives the modern landscape its character is firmly rooted in the past. Although the [Kent Landscape Assessment](#) includes a broad consideration of the

history of the landscape, to fully comprehend how it has developed and to identify those aspects which make it unique, more detailed assessment is needed. The [Kent Historic Landscape Characterisation](#) (2001) is a tool for understanding this historic context and should be used at a strategic level to inform decisions taken regarding landscape character. Ideally, this county level study should be deepened to be more relevant at the district and local level as has recently happened in the Hoo Peninsula and in Tunbridge Wells Borough. KCC would welcome further discussion on this matter.

Policy BSP1: The 'Green Wedge'

PRoW: KCC advises that the text should include specific reference to PRoW within the Green Wedge to be retained for connectivity. The text should also identify ways to ensure improvement opportunities are taken to access this resource. Good public transport and active travel links to open spaces should be made available, so that the public are not dependent on private vehicle use for visiting these sites.

9.2.3 Important Views and Vistas

PRoW: KCC requests that the Neighbourhood Plan includes the significance of the views and vistas from the PRoW network. Where proposed developments will have a significant effect on PRoW, the PRoW network should be designed into the infrastructure and landscape planning of the site, to ensure they are not considered as an afterthought.

Policy BSP2: Important Views and Vistas

PRoW: It is requested that this policy is also amended to reflect the importance of the views and vistas from the PRoW network, in order to protect the benefits that the PRoW network brings.

9.2.5 Seafront Character Zones

PRoW: KCC recognises that Broadstairs and St Peter's is home to a large area of coastal access and to the significant asset of the England Coast Path and the Viking Trail promoted route. The Neighbourhood Plan should ensure that reference is made to the England Coast Path, a newly created long distance walking route with National Trail status, delivered locally in partnership between KCC and Natural England. The Neighbourhood Plan should seek to ensure that proposals do not adversely affect the existing PRoW network or National Trail.

Heritage Conservation: KCC supports the definition of the Seafront Character Zones in order to conserve the character of the area's sea frontage. However, KCC would highlight that there are numerous heritage assets along the coast that need to be identified and protected during any works intended to enhance the quality of the Zones. Some of these assets are the remains of First and Second World War defences and ancillary infrastructure. While these are not often considered to be "beautiful", they are nonetheless key survivals from Thanet's past and with appropriate interpretation can help tell the story of the area in a way that still resonates with people today. The [Kent Historic Environment Record](#) (HER) lists more than 50 defence sites that will fall in Seafront Character Zones, although the defences of Thanet have never been studied in detail, so it is not known how many of these survive today. A heritage

survey of the Seafront Character Zones would help identify survivals of this and other eras and therefore help in their management and use by the community.

9.2.6 Protecting Important Spaces

PRoW: KCC is supportive of this section, but would request that the benefits of the PRoW network are included, so it is protected and enhanced. This will give sustainable access to open spaces and buildings as part of the green infrastructure.

Heritage Conservation: KCC notes that open spaces have an important role to play in conserving and promoting the heritage of Broadstairs and St Peter's. Some of the open spaces are heritage assets in their own right representing urban spaces that have been designed as public amenities or that reflect the wealth and aesthetic tastes of private individuals, historically. Other open spaces may not be assets in their own right, but they may contain heritage assets in the form of, for example, historic structures or buried archaeological sites. Others again can be important in that they allow heritage assets to be displayed, for example, where a listed building is located next to an open space. As such, any alterations to open spaces need to be considered for the impact that they may have on the historic environment of the area.

Whether considering large and well-known or smaller and possibly even new sites, it will be essential that they are fully understood before major changes can take place. Over the last few years, KCC has been working with volunteers from the Kent Gardens Trust to review the gardens of other districts in order to better understand the history and development of the gardens and their surviving remains. These reviews are accompanied by Statements of Significance for each garden that allows the Local Planning Authority to be informed effectively in the development management process. The information also makes it easy for the Local Planning Authority to include the gardens on a list of local heritage assets. If the Town Council wishes to understand their green spaces better, this could be an effective way to achieve this. KCC would welcome further discussion on this matter.

9.2.7 Community Facilities

Policy BSP6: Sustaining Community Facilities

Provision of County Council Community Infrastructure and Services: KCC would draw attention to the current public consultation² on community services, which makes proposals to change the delivery of some community services in Broadstairs. The public consultation runs from 17th January to 26th March 2023, and the Town Council is encouraged to participate to help provide effective support for residents in the neighbourhood.

9.3 Design

PRoW: KCC considers that reference should be made to the KCC ROWIP, as it is a statutory (nationally required) policy document. Considering the importance of this resource, there should be a requirement for development applications to show recorded PRoW on their plans. Where PRoW would be directly affected by development proposals, the County Council seeks to ensure that plans clarify intentions for positively accommodating, diverting

² <https://letsta.k.kent.gov.uk/community-services-consultation>

or enhancing paths. It is requested that additional text is inserted into the policy wording that encourages applicants of new developments to engage with KCC at the earliest opportunity. This would allow KCC to review proposals for access improvements and consider appropriate developer contributions for PRow network enhancements.

9.3.2 Areas of High Townscape Value

Policy BSP7: Areas of High Townscape Value

Heritage Conservation: KCC is supportive of this policy as it will help conserve areas of historic character in the neighbourhood.

9.3.4 Local Heritage Assets

Heritage Conservation: The text states that the Town Council will create its own list of local heritage assets. KCC supports the need to identify heritage assets which, although not designated, play an important role in local character and so should be protected during the planning process. However, there is concern that the Town Council appear to be developing their own approach in isolation from other areas of the district. This is highly unusual and has not been seen elsewhere in Kent. A district-wide approach to local heritage assets is needed, with the Local Planning Authority committing to developing a district-wide list of local heritage assets. This has already happened in several districts in the county. Developing such a list at a very local level, for example for a Neighbourhood Plan, risks the local heritage assets of Thanet being identified and conserved according to a wide range of different systems and criteria, therefore making the process less efficient and effective to inform and influence decisions and approaches of the Local Planning Authority.

Irrespective of how this develops, KCC notes that the list of local assets needs to be added to the HER if the information is to be available for development management decision-making more generally. The Kent HER should also be a starting point for information gathering for the project, as the database may contain information on heritage assets that the Town Council is unaware of, particularly archaeological and military or industrial assets. At present, the HER lists more than 530 archaeological sites and buildings in the study area, many of which might qualify as local heritage assets. KCC would therefore ask to be contacted by a member of the project as soon as possible to discuss this matter³.

9.3.5 Building Design Guidelines

Policy BSP9: Design in Broadstairs & St Peter's

PRow: KCC recommends that the policy is amended to include reference to the KCC ROWIP. Considering the importance of this resource, there should be a requirement for development applications to show recorded PRow on their plans. Where PRow would be directly affected by development proposals, plans should clarify intentions for positively accommodating, diverting or enhancing paths. The Neighbourhood Plan should seek to ensure that proposals do not adversely affect the existing PRow network. It is requested that additional text is inserted into the policy wording, stipulating that applicants for new developments engage with KCC at the earliest opportunity.

³ heritageconservation@kent.gov.uk

Provision of County Council Community Infrastructure and Services: KCC supports the objective of promoting quality design in the built environment and actively encourages well designed places that consider and prioritise local context; distinctive identity; coherent built form; high-quality placemaking; intelligent movement and connectivity; sustainable homes and buildings; lifetime use; and preservation of natural resources.

9.4.1 Our High Streets and Shopping Areas

Policy BSP10: Shopping Areas

PRoW: KCC requests that this policy includes specific mention of improving and enhancing the PRoW network to enable safe and attractive walking and cycling connections, and links from new developments to facilities.

9.4.2 Employment Development

PRoW: The Neighbourhood Plan should ensure that new employment developments incorporate good sustainable transport connections within the community with high quality walking and cycling infrastructure available, which can link local amenities together. This will allow and encourage sustainable commuting to workplaces by providing accessible, safer travel opportunities. KCC also recommends that the replacement of private vehicle journeys with active travel should be encouraged in the Neighbourhood Plan.

Policy BSP11: Retention of Employment Space

PRoW: KCC advises that Clause (d) needs to include sustainable connectivity / active travel regarding “...existing or planned infrastructure”.

Policy BSP13: live-work space

PRoW: KCC requests that specific inclusion of the PRoW network and active travel in included in Clause (b) of this policy, which considers that proposals for small scale live-work development must be in a location which is reasonably accessible by means other than a private vehicle.

Provision of County Council Community Infrastructure and Services: KCC recognises that this policy supports proposals for small scale live-work development, provided they are consistent with all other policies in the Neighbourhood Plan. It is noted that any proposals for small scale live-work development would be assessed for development impact on KCC services (including education, waste and community services) where the dwelling numbers fall within the criteria for developer contributions. Requests by KCC will be made for development contributions to mitigate the impact of the new development where appropriate.

9.4.3. Tourism

PRoW: KCC understands that tourism is an important industry for Thanet parishes and that the landscape is a key attractor. Sustainable tourism is a way of supporting rural areas, providing jobs, and supporting community services. The PRoW network and the KCC ROWIP has a critical role in this, and specific mention should therefore be included of KCC supporting improvements to walking and cycling routes where they can assist the Town Council’s tourism objectives.

Heritage Conservation: KCC would recommend that the Town Council considers the Dover Heritage Strategy (page 68) to see some of the ways that the area's heritage can contribute to increasing the amount and quality of the tourism of Broadstairs and St Peter's.

Policy BSP14: Sustaining Leisure and Tourism Assets

PRoW: It is understood that the parish is home to a large area of coastal access and to the significant asset of the England Coast Path and Viking Trail promoted routes. This policy should therefore ensure that reference is made to the England Coast Path and the PRoW network bringing significant tourism opportunities to ensure "*long-term viability of the existing leisure and tourism asset*", mentioned within the policy.

9.5 Health and Wellbeing for Residents

PRoW: KCC notes that the PRoW network provides substantial opportunities for active travel and outdoor recreation, which can help to address issues associated with health, wellbeing and air quality. The KCC ROWIP Key Theme of 'Active Lifestyles' seeks to increase health and wellbeing benefits and address health inequalities through active travel and recreational activity. Walking for Health walks can lead to improvements in health and active travel can aid reduction in air pollution levels, through changes in transport modes. The PRoW network and the benefits it provides should therefore be included within this section.

Policy BSP15: Uses promoting health and exercise

PRoW: KCC requests that the text is amended to include specific reference to the PRoW network, which provides significant user enjoyment with important health benefits and the benefit of access to the wider natural environment.

10.0 Community Projects

Transport and traffic management

Highways and Transportation: KCC, as Local Highway Authority, welcomes the measures proposed to sustainably manage transport and congestion in the neighbourhood and would recommend that further study is undertaken to support these community projects. KCC would welcome further engagement with the Town Council in respect of any further evidence collected.

11.0 Monitoring and Review

PRoW: KCC advises that the Definitive Map for the parish and the KCC ROWIP should be included within the appendices for the Neighbourhood Plan.

Appendix 1: Design guidelines for Seafront Character Zones

PRoW: KCC requests that the KCC ROWIP is specifically mentioned in Appendix 1. The inclusion of the ROWIP will aid decision-making and promote good design in both PRoW and countryside access management. It is KCC ROWIP policy to provide advice and

guidance to landowners, planning authorities and developers (Action 5.1). It is therefore requested that KCC is directly involved in future discussions regarding projects that will affect the PRow network, both directly and with a wider countryside impact. KCC can 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.

General Comments:

PRow: It is recommended that PRow contributions should be identified to ensure that paragraph 98 of the [National Planning Policy Framework](#) is upheld, *“that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”* Specific mention should also be made of improving and enhancing the PRow network to enable safe and attractive walking and cycling connections and links from new developments to community facilities. An increased population and increase in tourism will undoubtedly add to the pressure and importance of the surrounding PRow network. It is therefore critical to secure funding to ensure these highly regarded links are not degraded. Developer contributions are used to upgrade existing routes or create new path links that address existing network fragmentation issues. KCC would advise that consideration should therefore be given to the investment of development contributions towards the PRow network.

Minerals and Waste: KCC notes that the area has no land-won safeguarded minerals or mineral importation, handling or mineral products producing facilities. The area has limited capacity of safeguarded waste management, including a low intensity skip hire company and house clearance and clothing re-use recycling companies. However, as these are marginal, this is not considered an omission 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 sincerely,



Stephanie Holt-Castle
Director for Growth and Communities



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BY EMAIL ONLY

24 March 2023

Dear Ray,

Re: EIA Scoping Opinion for a proposed development at Winterbourne Fields, Dunkirk, Kent (Ref: 23/501071/EIASCO)

Thank you for consulting Kent County Council (hereafter referred to as the County Council) on the request for a Scoping Opinion for the proposed development of 1740 residential dwellings, 160 retirement homes, 27ha of publicly available open space and recreation including a community park, outdoor sports pitches, a 5km recreation trail, a two form entry primary school, an integrated bus link to the surrounding area, an employment park, improved pedestrian/cycle links across the A2, upgrade to the Dunkirk A2 junction through a new trunk road, and an electric vehicle charging hub for approximately 36 vehicles alongside associated facilities including public toilets and potential for cafe facility.

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

General Commentary

The County Council, as Local Highway Authority, considers that the subsequent planning application for the proposed development will require the submission of a detailed Transport Assessment (TA) in order to properly assess the cumulative transport related impacts. Importantly, it should identify the measures that will be implemented to ensure such impacts can be appropriately mitigated.

The Scoping Report dated February 2023 identifies a range of potential impacts on the local transport network arising from the proposed development, and it confirms that a TA will be submitted in support of the planning application. The Local Highway Authority supports this.

As noted in the report, the Applicant has entered into pre-application discussions with the Local Highway Authority to agree the scope of the TA, and this communication will be ongoing.

3.0 EIA Methodology

Receptors

Highways and Transportation: The list of strategic/local road network and junctions identified within 7km of the site does not include Canterbury Road/Horselees Road or A251 Ashford Road /M2, but it should also be noted that the County Council, as Local Highway Authority, will not expect the assessment of the road network to be limited to just those listed in 3.4.

List of cumulative schemes

Highways and Transportation: It is noted that Table 2 only lists the cumulative schemes identified from a trawl of the Mid Kent planning portal covering the Swale and Maidstone local planning areas. It does not contain any schemes from within the Canterbury district, and many of these are much closer than those listed and likely to have a greater influence on receptors. The County Council would therefore ask that these also be considered.

Consideration of alternatives

Highways and Transportation: The alternative assessment scenarios listed are agreed by the County Council, as Local Highway Authority.

4.0 Topics with likely potential significant effects

Transport

Highways and Transportation: In respect of paragraph 4.11 – associated with the consideration of traffic impacts during the construction of the development, the submission of a Construction Traffic Management Plan should also be included with the planning application to support the assumptions made in the TA.

In respect of paragraph 4.12 – the County Council considers that the Swale (Saturn) Traffic Model is appropriate to use to form the basis of the transport and traffic assessment. However, it is expected that the junctions selected for further modelling will not be determined from just identifying high levels of development traffic passing through. The selection will also need to consider the sensitivity of the junctions from a capacity perspective.

In respect of paragraph 4.15 – whilst in accordance with the Environmental Assessment guidelines, it should be appreciated that the 30% change in traffic flows threshold will not be expected to apply to the Local Highway Authority's assessment of the network.

In respect of paragraph 4.22 regarding Driver Delay – referring to 4.12 and 4.15 above, the report acknowledges that the extent of the individual junction modelling will need to be agreed with the County Council, as Local Highway Authority, and National Highways post Saturn modelling. For clarity, the outputs of the models will need to provide full details of performance in addition to driver delay.

Public Rights of Way (PRoW): as a general statement, the County Council is keen to ensure that its interests are represented with respect to our statutory duty to protect and improve Public Rights of Way (PRoW) in the County. The County Council is committed to working in partnership with all parties to achieve the aims contained within the County Council's [Rights of Way Improvement Plan](#) (ROWIP). Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

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 for residents and visitors to access and appreciate landscapes for personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion for economic benefit and improvement in air quality, and much more. The existence of the Rights of Way are a material consideration.

Public Footpaths ZR537, 676, 550, 549, 538 would be directly affected by the development, with the wider network significantly impacted in the ways mentioned above and below.

The substantial size of this development will have an **adverse/high impact** on the PRoW network, both on and off site through increased use, loss of amenity and future generation of traffic. Significant measures will need to be taken to help mitigate all these impacts and future proof sustainable active travel across both the development and the wider area. This applies to both construction and operation, over a significant time period.

In respect of a Scoping Opinion, the County Council, as Local Highway Authority, would advise that PRoW are included within the Scoping Opinion for the following points to be assessed and discussed within the criteria assessed. The applicant should also demonstrate that the PRoW network can be used for both leisure and active travel opportunities and should therefore be considered from both perspectives. This will provide recreational, tourism (Blean Conservation Area, proximity to Canterbury), health and well-being benefits as well as connectivity and modal shift.

In respect of the assessment, the County Council advise the following is taken into account:

- The likely high increase of usage, and significant landscape/visual and air quality impact on users participating in recreational activity on the PRoW network in both the affected area and the wider network.
- The likely loss of recreational walks within open countryside.

- The impact of increased vehicular traffic along rural lanes during construction, which currently provide valuable connections for equestrians and cyclists travelling between off-road PRow routes. The proposed development could deter public use of the PRow network if vehicular traffic increases along these roads.
- Path extinguishments and long-term severance of routes should also be avoided, to prevent fragmentation of the PRow network.
- This project provides an opportunity to improve the PRow network and develop upgrades or new links for active travel and outdoor recreation. The creation of new paths and upgrading of existing routes should be considered as positive outcomes of the scheme. The public benefits of such work would help to compensate for any disruption caused by construction and any negative effects on the PRow network, which would result from delivery of the development and are unavoidable.

The trend towards 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 high-quality sustainable development for the future.

The County Council would also request that a financial contribution, in the form of Section 106 Agreement funding, is allocated to mitigate the loss of amenity, increased use and subsequent surface improvements that will be required in the wider network as the area is developed.

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.

Flood Risk and Drainage – including Surface Water Drainage Strategy, Foul Drainage and Nutrient Neutrality

Sustainable Urban Drainage Systems (SuDS): In respect of SuDS matters, the County Council, as Lead Local Flood Authority, will provide a direct response to Swale Borough Council in respect of this Scoping Opinion in due course.

Ecology and Biodiversity

Biodiversity: In respect of biodiversity matters, the County Council provided a direct response to Swale Borough Council in respect of this Scoping Opinion on 14 March 2023 (Appendix A).

Archaeology and Built Heritage

Heritage Conservation: In respect of heritage conservation matters, the County Council will provide a direct response to Swale Borough Council in respect of this Scoping Opinion in due course.

5.0 Topics not included within the Environmental Statement

Geology and Soils

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, confirms that the proposal site is not within 250 metres of any safeguarded mineral or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 3013-30 (Early Partial Review 2020).

With regard to land-won minerals safeguarding matters, the proposal site is not coincident with any safeguarded mineral deposits in the area - as demonstrated below in the extract from the Swale Borough Council-Mineral Safeguarding Areas KMWLP Proposals Map and Figure 1 from the Scoping Report.

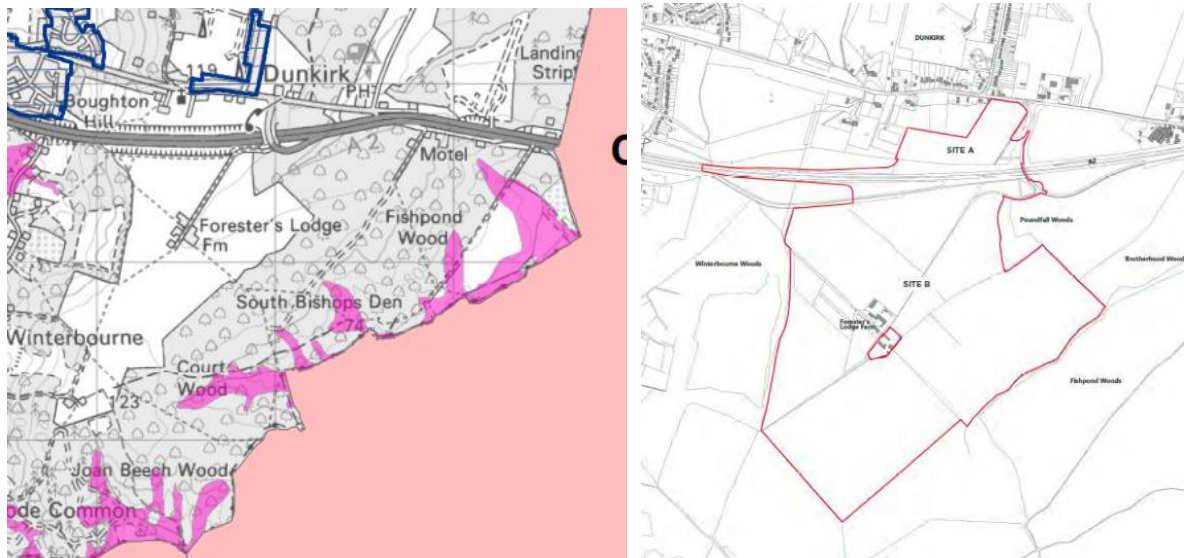


Figure 1 Site Location

Source CJ

The County Council therefore has no minerals or waste management capacity safeguarding objections or comments to make regarding this potential proposal.

Structure of the Environment Statement

Highways and Transportation: Paragraph 6.6 confirms that a Travel Plan will be included within the documents submitted for the planning application, and this is considered appropriate by the County Council.

The County Council will continue to work closely with the 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 the Borough Council and the applicant as this planning application progresses.

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

Yours sincerely,



Stephanie Holt-Castle
Director for Growth and Communities

Enc.

Appendix A: Biodiversity response dated 14.03.2023



Kevin Hope
Tunbridge Wells Borough Council
Town Hall
Mount Pleasant Road
Royal Tunbridge Wells
TN1 1RS
BY EMAIL ONLY

**Growth, Environment
& Transport**

Sessions House
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 412064
Ask for: Stephanie Holt-Castle
Email: Stephanie.Holt-Castle@kent.gov.uk

13 April 2023

Dear Kevin,

Re: Hybrid application with appearance, landscaping, layout and scale reserved for a proposed development at Land West of Queen Street and Mile Oak Road, Paddock Wood, Tonbridge, Kent [application reference: 23/00086/HYBRID]

Thank you for consulting Kent County Council (KCC) on the hybrid planning application for the development at Land West of Queen Street and Mile Oak Road, comprising of the full application for the erection of 160 homes and an outline application (appearance, landscaping, layout and scale reserved) for the erection of up to 400 additional homes, inclusive of associated infrastructure including land for specialist accommodation for the elderly, land for secondary school expansion, a local centre of retail and community use, play areas, network of new roads and widening of existing roads, surface water drainage features, car and cycle parking and open space and associated works (the Persimmon development).

The County Council notes that this application has been submitted alongside two related proposals at Land West of Queen Street, including the Redrow development (reference: 23/00118/HYBRID) and the corresponding Bus Link Application (reference: 23/00091/FULL). A separate response is made in respect of these applications and where appropriate, the cumulative impact of these three applications is considered.

In summary, and in considering the application as it currently stands, the County Council also raises a **holding objection** on the following grounds:

Public Rights of Way (PRoW): The County Council does not consider that the application provides sufficient detail in respect of PRoW and the response sets out the material required for the County Council to be able to appropriately consider the application.

Heritage Conservation: These hybrid largescale proposed developments could have a major impact on the historic environment, particularly on the heritage assets of Moat Plats and the Hop Pickers Line. The County Council does not consider the inclusion of heritage in the Planning Statement, the Design and Access Statement and in the proposed Masterplan to be sufficient or appropriate. Additional assessment of Moat Plats and the Hop Pickers Line must be submitted with more appropriate mitigation proposed and this should be reflected in the Masterplan. The County Council also recommends that further fieldwork assessment is undertaken to clarify the presence/absence of significant archaeology, prior to determination of the application.

The County Council's response:

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

Highways and Transportation

The County Council as Local Highway Authority provided comments direct to the Borough Council on 13 March 2023 (Appendix 1).

Public Rights of Way (PRoW)

The County Council, as Local Highway Authority, in respect of Public Rights of Way, raises a holding objection to the application pending the provision of information as set out within this response.

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. The County Council 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. The County Council intends for people to enjoy, amongst other things, 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.

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 personal and societal ambitions and needs, including access to and appreciation of landscapes for personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion, supporting the local economy, improving local air quality, and much more. For these reasons, new development is expected to give positive regard to PRoW.

In determining whether to grant planning permission, the Local Planning Authority is required to consider the local PRoW network and public off-road access generally. The PRoW network is a material consideration ([DEFRA PRoW Circular 1/09](#), paragraph 7.2) requiring careful consideration of the consequences of development and, in accordance with various

parts of the [National Planning Policy Framework](#) (NPPF) (July 2021), is to be protected and enhanced.

Site context

The proposal is a hybrid application, seeking full planning permission for part of the development and part as outline planning permission. The County Council, in respect of PRow, considers it appropriate to respond on the basis of being a single permission.

The development is for up to 560 residential units, specialist accommodation for the elderly, expansion of an existing school, as well as other facilities. In the event planning permission is granted, this could reasonably bring c.2000 people to the area, and therefore significantly increase the demand on local off-road access.

This application has been submitted in parallel with an application for development on adjacent land by Redrow Homes for up to 600 homes and various local facilities (reference: 23/00118/HYBRID). This would bring a further c.2000 people to the area.

Whether one or both residential applications are granted, the local PRow network can reasonably be expected to experience increased demand. The County Council, as authority with responsibility for the maintenance of PRow surfaces, will be faced with a consequential increase in maintenance demand in addition to pressure for new access opportunities.

A further Bus Link Application (reference: 23/00091/FULL) has been submitted for the construction of a bus, pedestrian and cycle link across the East Rhoden Stream to connect the Redrow development site with consented development known as Church Farm that is currently being built-out.

The following PRow are either recorded within, whether partly or wholly, or on the boundary of the applicant's proposed development:

- Public Footpath WT257
- Public Footpath WT263
- Public Footpath WT267
- Public Footpath WT269
- Public Footpath WT270

Other PRow in close proximity to the proposed development (not exhaustive):

- Public Footpath WT256
- Public Bridleway WT315

The local network of paths is generally not contiguous, requiring path users to use the local road network to connect with the next PRow. Often these local roads are not provided with footways, therefore requiring path users to travel within the road width and be exposed to the hazards within. Additionally, the local network is predominantly formed of Public Footpaths,

permitting as of right public access on foot and with certain mobility vehicles. A few Public Bridleways exist, which extend the public's access right to use on bicycle and horse, but these are even more disconnected and require greater use of lengths of road for users to continue their journey.

Information on the Definitive Map of Rights of Way and Definitive Statement, the legal record of PRow, and a map showing all Kent's PRow can be found [here](#). An extract of the Network Map for the application area can also be viewed in Appendix 2.

In addition to their status as PRow, some of the above paths are included as part of a [Medway Valley Rail Trail](#) promoted route.

Comment

As general principles, the County Council expects development proposals to give positive consideration to active travel for access to amenities, facilities and services and to recognise the various statutory documents and framework for management of the PRow network and off-road access generally. Given the site's location on the periphery of the town, the application must support the concept of active travel to minimise additional local vehicle traffic on roads whilst also enhancing individuals' health and lifestyles. However, active travel receives only passing reference within the Design and Access Statement, Planning Statement and Transport Assessment. The County Council is further disappointed that only the latter defines active travel whereas this should be defined in all three documents, so that confidence can be taken for consistency of consideration and provision. All three documents also fail to recognise the ROWIP, a statutory document that assesses need across the county PRow network and aims to address accessibility issues. The County Council recommends that all three documents should therefore be revised to include specific consideration of both active travel and the ROWIP relative to this development.

The application has inconsistencies regarding access provision, and the County Council is therefore uncertain of the exact proposal for walking and cycling. For example, the Masterplan, the Movement, Access and Footpaths drawing and the Sustainable Movement and Open Space Function Matrix do not show exactly the same walking and cycling routes - regarding parcel P11, the first and second plans suggest a new footpath is to be created whereas the third plan suggests a walking and cycling route is to be delivered. The applicant must make clear quite what is being proposed in order for the County Council (and all consultees and members of the public) and the Local Planning Authority to adequately assess the proposal.

Reference is made within the Design and Access Statement, Planning Statement, and Transport Assessment to the connection between walking and cycling routes within the site with planned paths in neighbouring developments, principally to facilitate walking and cycle access to/from Paddock Wood town. However, no information is provided as to the certainty that routes within those developments will be created, what status they will be given for public access, or who will be maintaining them. Given the need for the Local Planning Authority to be satisfied on the site's sustainability, and for the Local Highway Authority to take confidence the future local access network will appropriately support the proposed

development, it is fundamental that the applicant elaborates on the various references and provides supporting evidence as appropriate. As a principle, the County Council is inclined to support proposals that enhance walking and cycling and horse riding, including the creation of new links or improvement of existing facilities to better support enlarged future communities.

The County Council has reviewed the Design and Access Statement, Planning Statement, and Transport Assessment and has provided the following comments:

Design and Access Statement

Section 2 - 'Site Understanding and Considerations':

- This omits discussion of PRow within and in close proximity to the site boundary.

Section 4 - 'Movement and Access':

- Reference to LTN 1/20 for cycle infrastructure design and provision of visibility splays of 2.4m x 31m at cycle crossing points is acknowledged.
- It states, *'In addition to the formal pedestrian and cycle infrastructure, the site will also **consider** [author's emphasis] comprehensive improvement plans for PRow routes within and leading away from the site. This includes Footpaths WT257 and WT256. The Hop Pickers route will also form a pedestrian access route across the Redrow site.'* The County Council considers that the development will increase demand on PRow within, leading away from and outside of the development boundary and, therefore, will require the applicant to mitigate this demand in order that the County Council is not unfairly burdened. It will not be acceptable for the applicant merely to '*consider*' improvements. The County Council notes paragraph 3.19 in the Transport Assessment, which states '*a comprehensive improvement plan for PRow routes within and leading away from the site*', although this is not detailed and the applicant is requested to propose '*a comprehensive improvement plan*' for the County Council's consideration.

Planning Statement

- This document does not greatly detail off-road access provision. However, unlike the Transport Assessment, it does recognise NPPF paragraphs 92, 93 and 98. The County Council would recommend that these be discussed in the document and it should be considered how they will be applied/satisfied within the proposed development.

Transport Assessment

- The County Council welcomes acknowledgement of NPPF paragraphs 104, 105, 110, 111 and 112. However, reference is omitted to paragraphs 92, 93, 98, 100 and 106 and in determining this application, the Local Planning Authority is required to

carefully consider the proposal against all of these paragraphs and it is recommended that they are therefore addressed. The proposal to establish various walking and cyclable routes within the site and links to neighbouring developments and into Paddock Wood town is welcomed. In the view of the County Council, it will contribute to the principle of active travel. However, the County Council would welcome further proposals to provide all paths within the site as suitable for both walking and cycling. This will help to establish a culture to travel locally without vehicle transport.

- NPPF paragraphs 100 and 104c require the applicant to enhance local walking and cycling and ensure convenient access for all. However, the County Council does not consider the proposal to satisfy these paragraphs, as it does not reflect the need for future site residents to access the countryside east and south of the site. The County Council expects a programme of enhancements to be funded and delivered by the applicant to be agreed with the County Council within a Section 106 (s106) Agreement. This should include a cyclable link within the site to Public Bridleway WT318 and enhancements on surrounding PRoW to provide attractive opportunities for informal recreation, and improving personal health and wellbeing. This could include links to the Wealden Cycle Trail, which would offer a cyclable link to Tunbridge Wells, and to neighbouring communities including Brenchley and Horsmonden.
- The County Council considers that NPPF paragraph 112b is not satisfied, as disabled/mobility-impaired access need is only acknowledged when proposing car parking needs. The applicant must therefore consider the wider needs of the disabled/mobility-impaired and revise its proposal accordingly.
- Specific comments are made below on various paragraphs within the Transport Assessment:

3.13: Footpaths and shared use (walking and cycling) paths are proposed to be provided within the site. The County Council will require to agree specifications for works affecting any PRoW, to include surfacing materials and future path width. On the latter, the County Council expects 3 metres width provision for footpaths and 5 metres width provision for shared use paths. Where PRoW as Public Footpaths are proposed to become shared use paths, the County Council will require their status uplifted to Public Bridleway (which can be achieved under the Highways Act 1980 Section 25). It will not be acceptable to introduce cycling on a permissive basis onto a Public Footpath as the standards for safe and convenient shared access are not able to be enforced. The applicant (or successor in title) could also unilaterally withdraw permissive rights, creating a significant issue for on-going management of the path(s). The County Council will require appropriate detail within a s106 Agreement.

3.15: This proposes setting back hedges and fences 0.5 metres from footways or cycleways. Where plantings are proposed adjacent to any PRoW, these must not be within 2 metres of the leading edge of any PRoW (increasing to 3 metres for trees) so as to minimise the likelihood of future damage to PRoW surfaces from roots.

3.21: This refers to improving WT263, but it is unclear from the Masterplan whether this lies within the site or not. If it lies outside of the site, it is unclear how the applicant proposes to deliver this. The proposal to link a 2.0 metres wide pedestrian-only path to a 3.0 metres wide bridleway (see comment above on widths) lacks consistency and will create future management issues. Additionally, it is unclear why cycle access could not be provided across P11.

3.22: The proposal to establish an off-road connection between WT262 and WT263 is welcomed. However, while this land is in the applicant's control, it is outside the application site boundary. The Local Planning Authority is recommended to secure this within a s106 Agreement prior to commencement of development. Should it be proposed to create this as a new Public Bridleway, which the County Council will require to consent to and could be achieved by agreement under the Highways Act 1980 Section 25, the applicant must note the County Council will require provision of 5 metres width, free of structures, and surfaced to a specification agreed with the County Council.

3.29: Any and all junctions/crossings of PRoW with proposed roads must be designed and delivered to the satisfaction of the County Council as Local Highway Authority. The County Council will expect the design to acknowledge priority for walking and cycling (in accordance with NPPF paragraph 112a), such as by providing crossings as raised tables and use of coloured surfacing.

3.31: This paragraph discusses the provision of walking and cycling links with Paddock Wood town centre. The County Council refers to comments made in respect of paragraph 3 which are also applicable here.

Appendix 3 - WT263 (Persimmon Land & Adjacent), bullet 2: This refers to the retention of an existing culvert. The applicant must confirm to the County Council which culvert is referred to and clarify whether it is now proposed to provide cycle access over the structure. It may be that the culvert needs to be improved to accommodate increased use.

In summary of the above, the County Council recognises and welcomes regard of the PRoW network and its users but does not consider the proposal goes far enough to satisfy the referenced NPPF paragraphs and the expected need that will be generated by the size of the development. It is suggested the applicant, the County Council and stakeholders will further understand the proposal if the applicant were to prepare an Access Improvement Plan. This should identify the existing provision, show in suitable detail the proposed future provision (including their differing status, such as PRoW and non-PRoW; their width; finished surfaces; all structures and limitations, for example, bridges and gates), and detail on how works would be funded including by whom and within what timescale. This would be particularly helpful to enable faster negotiation of any s106 Agreement.

In addition to comments made above, the County Council wishes to bring to the applicant's attention the following points:

- Any and all comments related to the existing and/or future road highway network, for example, regarding visibility splays must be sought from the Local Highway Authority. This also includes cycleways.
- The County Council expects all PRow to be provided as open access. There should not be any gate or other structure/barrier, unless otherwise agreed with the County Council.
- The County Council does not seek to adopt any proposed new paths as formal PRow other than specifically commented on within this response or as agreed in negotiation for the s106 Agreement.
- The proposal currently makes no provision for horse riding. Whilst the PRow within the site boundary and towards Paddock Wood town are all Public Footpaths, there is considerable horse ownership in the local area and, due to the disconnected local bridleway network, riders are required to use local roads when enjoying their access. The volume of road traffic will increase as a result of development, which will reduce riders' amenity and increase the likelihood of conflict accident or injury. This is therefore a consequence of development ([DEFRA PRow Circular 1/09](#), paragraph 7.2) and the applicant must mitigate this by offering new bridleway routes and improving existing local bridleways. The County Council is agreeable in principle for various existing Public Footpaths within the site to be uplifted to Public Bridleway by means of Highways Act 1980 Section 25 creation agreements, and external mitigation could be in the form of a financial contribution from the applicant. This will allow the County Council to improve the bridleway network outside the site boundary after negotiation with the relevant landowners.
- A PRow Management Plan including detail on management of PRow before, during and after construction must be prepared for approval by the County Council prior to the commencement of development. This should be conditioned if future permission is granted, and agreed and approved by the County Council prior to the commencement of any works. This Plan will be expected to ensure safe and convenient access on all PRow during works unless a Temporary Traffic Regulation Order (details can be found [here](#)) has been granted in advance of works. It should also include detail on the legal processes to be initiated for any PRow creations/diversions and their expected timescales.
- Given the need to secure a s106 Agreement between the applicant and the County Council, the submitted Draft Heads of Terms must be revised to recognise PRow and the County Council's role in respect of PRow.
- Standards will only increase over time, as will access demands, so provision should not limit/prevent future uplift, for example, consideration of the use of e-cycles.
- It must also be clarified whether a link is being provided for direct connection to existing sports pitches east of Mile Oak Road.

Conclusion (PRow)

The applicant must supply further information on the above points in order for the proposal to be appropriately considered by the County Council.

The County Council therefore submits a **holding objection** until further information is submitted on the above points. The County Council will then re-assess the proposal and provide further comment. If the Local Planning Authority is minded to determine the

application in the meantime, the County Council would request engagement in respect of PRow.

Development Investment

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and considers 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 Appendices 3a-3e).

Request Summary for 160 dwellings on Full Application

	Per Applicable ¹ House (x 122)	Per Applicable Flat (x 26)	Total	Project ²
Primary Education	£6,800.00 ³	£1,700.00	£873,800.00	Towards a new primary school as identified under application TW/23/00118/HYBRID, by Site Layout Plan STR/SS1 and Infrastructure Delivery Plan of the submission Local Plan.
Primary Land	£3,377.03	£844.26	£433,948.42	Towards land for the new primary school as identified under TW/23/00118/HYBRID.

¹ 'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. The County Council requires confirmation on whether the proposed 12 x 1 bed flats are below this threshold.

² Identified projects are in accordance with the Department of Education guidance on Securing Developer Contributions for education dated November 2019 (Paragraph 20), which recommends where required that a preferred and contingency school expansion project is identified in a planning obligation to enable local authorities to respond to changing circumstances and new information.

³ 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.

Secondary Education	£4,540.00	£1,135.00	£583,390.00	Contribution towards expansion of Mascalls Academy as identified in the applicant's planning statement, the Submission Local Plan and the Infrastructure Delivery Plan, or expansion of an alternative secondary school within the Tonbridge and Tunbridge Wells non-selective and West Kent selective planning groups.
Secondary Land	Provision of land at nil cost to the County Council to enable the required expansion of Mascalls Academy. Land must be provided in line with the County Council's General Land Transfer Requirements.			

Request Summary for 400 dwellings on Outline application
(assumes all dwelling are Houses for calculation purposes)

	Per Applicable House (x 400)	Per Applicable Flat	Totals (assumes all dwellings are Houses)	Project
Primary Education	£6,800.00	£1,700.00	£2,720,000.00	Towards a new 2FE primary school as identified in the applicant's Planning Statement and by Site Layout Plan STR/SS1 and Infrastructure Delivery Plan of the submission Local Plan.
Primary Land	£3,377.03	£844.26	£1,350,812.00	Towards land for the new primary school as identified under TW/23/00118/HYBRID.
Secondary Education	£4,540.00	£1,135.00	£1,816,000.00	Contribution towards expansion of Mascalls Academy as identified in the applicant's Planning Statement, the Submission Local Plan and the Infrastructure Delivery Plan, or expansion of an alternative secondary school within the Tonbridge and Tunbridge Wells non-selective and West Kent selective planning groups.
Secondary Land	Provision of land at nil cost to the County Council to enable the required expansion of Mascalls Academy. Land must be provided in line with the County Council's General Land Transfer Requirements.			

	Per Dwelling (x 560)	Total	Project
Cultural Hub	£437.21	£244,837.60	Towards Tunbridge Wells Cultural Hub - to accommodate increased demand for Libraries, Adult Learning and Social Care generated from this development.

Youth Service	£65.50	£36,680.00	Towards equipment and resources for local Youth Centres, including Outreach Services, serving the development.
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2).		
Waste	£183.67	£102,855.20	Towards Tunbridge Wells Waste Transfer Station and HWRC expansion.

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 in Appendices 3a-3e.

Primary Education

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

The proposal gives rise to 148 additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of school places at a new 2 form entry (FE) primary school on the neighbouring development site proposed at Land West of Queen Street (reference: TW/23/00118/HYBRID).

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

Build Contribution

The County Council requires a financial contribution towards construction of the new school at £6,800.00 per applicable⁴ house and £1,700.00 per applicable flat (Appendix 3b).

Land Contribution and County Council Land Transfer Terms

The County Council also requires proportionate contributions towards the primary school land acquisition cost at £3,377.03 per applicable house and £844.26 per applicable flat (Appendix 3b).

The site acquisition cost is based upon current local land prices and any s106 Agreement would include a refund clause should all or any of the contribution not be used or required.

⁴Applicable means: all dwellings except 1 bed of less than 56sqm GIA. The County Council requires confirmation on whether the 12 x 1 bed flats proposed are below this threshold.

The school site contribution will need to be reassessed immediately prior to the County Council 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 (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.

The County Council 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 2023-2027](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

Secondary School Provision

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

The proposal is projected to give rise to 106 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new (expansion) accommodation for the Mascalls Academy, or alternatively towards expansion of an alternative secondary school within the Tonbridge and Tunbridge Wells nonselective and West Kent selective planning groups.

Build Contribution

The County Council requires a financial contribution towards construction of the school expansion at £4,540.00 per applicable⁵ house and £1,135.00 per applicable flat.

Land Contribution

The County Council welcomes the applicant's inclusion of land for the expansion of Mascalls Academy within its development proposal. Detailed discussion with the County Council, as Local Education Authority, will be required regarding the land parcel size requirement. In due course, the County Council will request access to the proposed school site so that an initial site survey can be conducted. The secondary school land requirement should be transferred to the County Council in line with its General Land Transfer Requirements, which are appended to this request (Appendix 3c).

Please note, where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

⁵ Applicable means: all dwellings except 1 bed of less than 56sqm GIA. KCC requires confirmation on whether the 3 x 1 bed flats proposed are below this threshold.

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

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority must 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.

The County Council 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 2023-27](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

Tunbridge Wells Cultural Hub

This new development will generate new users for the County Council community services including Libraries, Social Care, and Community Learning. To mitigate the impact upon these services, contributions are required towards the new Tunbridge Wells Cultural Hub, which will make additional provision for all these services to accommodate the increased demand from new developments locally.

To accommodate the increased demand, the County Council requests £437.21 per dwelling towards the new Tunbridge Wells Cultural Hub providing space, stock, services and resources for the local area (Appendix 3d).

Youth Service

The County Council has a statutory duty to provide Youth Services under section 507B of the Education Act 1996. This requires the County Council, 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 County Council services, the County Council requests £65.50 per dwelling towards additional resources for the delivery of the Kent Youth Services including Outreach provision to serve the development.

Waste

The County Council is the statutory Waste Disposal Authority, responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSSs). 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 WTSSs. Existing HWRCs and WTSSs are now over capacity (as of 2020) and additional housing has a significant impact on the manageability of waste in Kent.

A proportionate contribution of £183.67 per dwelling is required towards a new WTS and an expanded HWRC to serve Tunbridge Wells residents to mitigate the impact from new housing growth, including this development (Appendix 3e).

In total, the development of up to 1,160 new dwellings proposed by these applications (references: 23/00118/HYBRID and 23/00086/HYBRID) will place significant demand upon the County Council. All residential waste arisings from the district are currently taken for bulking up at North Farm Waste Transfer Station, Tunbridge Wells. Capacity at this facility is limited and the County Council has therefore identified the need for additional capacity to be provided to accommodate future growth.

The Environmental Statement for both residential developments (references: 23/00118/HYBRID and 23/00086/HYBRID) scoped out Waste as a topic, stating:

“It is expected that the waste planning authority will have planned for significant growth in the area for waste generation and ensure the provision of adequate waste disposal options. As a result there should be limited impact on the capacity of waste facilities in the area of the Site as a result of waste generated by the Proposed Development.”

Whilst planning for future waste infrastructure relies on the County Council as Minerals and Waste Planning Authority, the new Tunbridge Wells Local Plan which identifies growth in this area has not been adopted. Therefore, the demand that will be created by the developments has not been fully accounted for/is not currently able to be accommodated.

As set out in the Developer Contributions Guide, the County Council will consequently be including a request for a financial contribution from these developments towards the identified project to create more WTS and HWRC capacity.

Implementation

The County Council considers 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. The County Council would be grateful if a draft copy of any s106 agreement or Unilateral Undertaking could be shared at the earliest convenience, prior to its finalisation.

The County Council requests confirmation on when this application will be considered and that a draft copy of the Committee report is provided 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 the County Council 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.

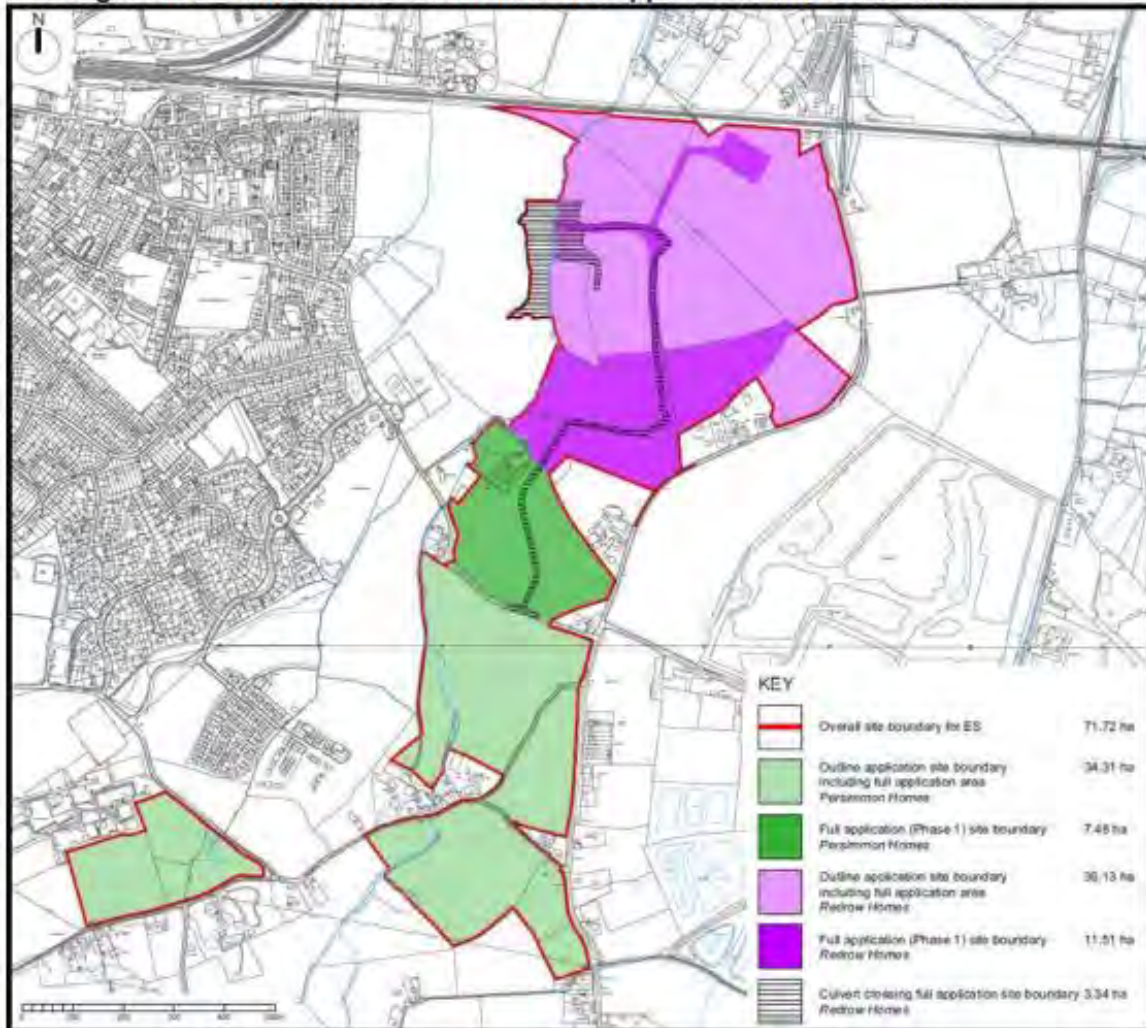
Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, can confirm that the application site is not within 250 metres of any safeguarded mineral or waste facility, and therefore would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted [Kent Minerals and Waste Local Plan \(2013-30\)](#) (KMWLP).

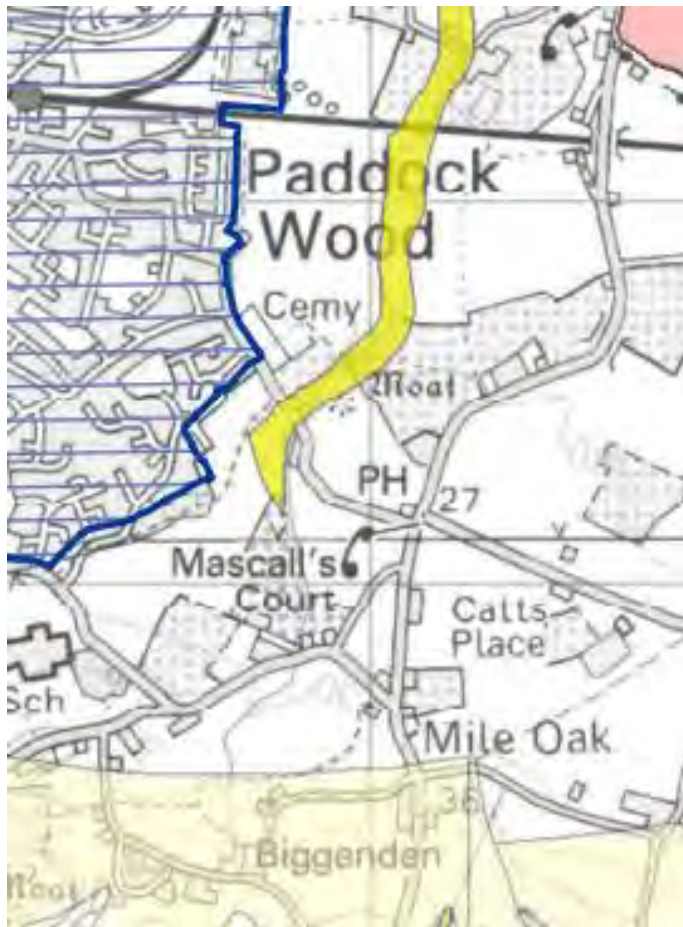
While the area of the application site is not significantly coincident with land-won safeguarded minerals, there are two land-won safeguarded minerals that are slightly coincident and in the general proximity of the application site area. These are the Sub-Alluvial River Terrace deposits on the application site's immediate western boundary, and the Tunbridge Wells Sand Formation (Sandstone) that is slightly coincident with part of the application site, in the south. This is shown below in an extract from the application's Planning Statement and the Mineral Safeguarding Area of the Tunbridge Wells Borough Proposals Map of the KMWLP:



Extract of the Site Boundary from the Application's Planning Statement

JAA Figure 2.1 – The Redrow and Persimmon Application Site Boundaries



Mineral Safeguarding Area of the Tunbridge Wells Borough Proposals Map of the KMWLP



-  Sub - Alluvial River Terrace Deposits
-  Sandstone - Tunbridge Wells Sand Formation

The submitted Planning Statement does address land-won mineral safeguarding in relation to the Sub-Alluvial River Terrace deposits, but not the Tunbridge Wells Sand Formation (Sandstone). The applicant argues that exemption criteria 2 and 5 of Policy DM 7: Safeguarding Mineral Resources can be invoked, although only one criterion is required to gain an exemption from the presumption to safeguard, as set out in Policy CSM 5: Land-won Mineral Safeguarding of the KMWLP.

Of the arguments to satisfy the criteria, the applicant states for criterion 2:

“2. that extraction of the mineral would not be viable or practicable; or

We further note that in terms of geographical distribution, the Alluvial River Terrace Deposits identified on the current Tunbridge Wells Borough Mineral Safeguarding Area Plan are relatively widespread across the Borough, and indeed the rest of Kent, where deposits are found in much larger catchments along the main rivers than they are along this relatively thin strip that runs along the bed of the East Rhoden Stream.”

While it is clear that the deposit is a 'thin' ribbon deposit and unlikely to be economically viable to prior extraction, this has not been proved by the applicant. However, the proposed development identifies the area that is coincident and proximate as green open space. Therefore, it could be argued that the mineral is not being directly sterilised, however, any future extraction would be unlikely to be acceptable if it became in close proximity to the future communities occupying this development.

Criterion 5 of the KMWLP states:

“5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or”

And the applicant's arguments to meet this criterion are:

“6.23.9 In addition to satisfying criterion 2 [sic] of policy DM7, as set out in this statement the proposed development provides for significant social, economic, and environmental benefits, including the delivery of new housing in an area of significant need which also comprises 40% affordable housing, a matter that should be afforded significant weight. These material considerations should, we believe, override the protection of the mineral resources effected, especially considering the limited extent of the resource there is on this site.

6.23.10 In the context of the above prior extraction is not, given the comments above, practical given the location of the mineral resources and the impact its extract would have on the surrounding landscape, ecological and heritage features, let along the amenity of adjacent residents.”

Whilst paragraph 6.23.9 is an arguable matter, the County Council considers the argument in paragraph 6.23.10 to be more compelling, which relates to when a prior extraction can potentially take place as being a viable mineral extraction operation. As the applicant has not proven that a viable mineral deposit prior extraction operation is not possible, the presumption to safeguard remains effective. However, this would have an unacceptable impact on the environment and communities in the location. Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development, is therefore required to be satisfied.

To conclude, even if a viable mineral deposit prior extraction operation were to be undertaken, it would likely not meet the test of being in accordance with Policy DM 9 of the KMWLP. This is particularly given that field hedgerows/woodland are coincident with this mineral deposit and the close proximity of development that is occurring to the immediate west of the application site that may be occupied by the time that any prior extraction could take place.

The Planning Statement does not refer to the Tunbridge Wells Sand Formation (Sandstone). Although this is an omission, only a small amount of this mineral (a building stone resource) is threatened with sterilisation and, given the lack of any recent demand for this material in Kent and the extensive nature of this massive geological unit over much of the borough area, the County Council considers that criterion (2) of Policy DM 7 would apply. Any further

Mineral Assessment submissions to address this omission are therefore not required for this mineral.

The County Council, as Minerals and Waste Planning Authority, has no land-won safeguarded minerals or waste management capacity safeguarding objections regarding this proposal.

Heritage Conservation

In summary, the proposed developments are supported by a very good assessment of the historic environment but there is insufficient proposed mitigation for non-designated heritage assets. Further consideration of suitable mitigation measures is therefore needed prior to determination of the applications to ensure there is not an unacceptable negative impact on the historic environment. There is also a need to consider additional fieldwork assessment prior to determination of the applications to clarify the presence/absence of significant archaeology.

The proposed developments are located within an area which has multi-period archaeological potential, ranging from Palaeolithic remains through to WWII or Cold War structures. There are no designated heritage assets within the application sites, however, there are designated buildings adjacent and their settings could be impacted. The proposed development sites contain known non-designated heritage assets including the 19^h/20th century Hop Pickers Line and a possible Medieval moat complex. Further archaeology is identified within the site through recent assessment and there is potential for as yet unknown archaeology to survive.

Based on current information, the proposed development sites lie within the wide valley of the River Medway and a significant stream, East Rhoden Stream, runs down the west side. The proximity of River Terrace Gravels and the presence of Alluvium within the site means there is potential for Palaeolithic and Prehistoric remains. Prehistoric activity in this Wealden area of Kent is not well understood but it is assumed thick woodland predominated with routeways criss-crossing through the land, especially close to water channels. There is some recent evidence of Mesolithic activity sites and woodland plants and animals and water are key resources needed. Iron Age and Romano-British utilisation of the resources including timber, iron-working and woodland management probably took place, with more established routeways connecting isolated small holdings, settlements and industrial sites. The geophysical survey may have identified a Bronze or Iron Age settlement within the Redrow development site.

There may be isolated small holdings of Early Medieval origin within this general area but even during the Medieval Period it is likely there were just single farms and small holdings with surrounding "assarts" and woodland clearance for farming. Moat Plats on the Persimmon development is considered to be a Medieval moated complex, possibly of manorial high status, located on, and utilising, the natural stream on the western side. This moated complex would have been served by a variety of routeways and would have had control over some of the surrounding land. Some of the field boundaries and routeways evident now may be directly related to this Medieval site.

The development sites are both bordered by a variety of Post Medieval farms and small holdings. Their immediate and wider landscape settings survive in places but the origin and multi-period and multi-functions of each building is not necessarily clear at this stage. There are some additional buildings identifiable on the Tithe Maps which may survive within the application sites below ground. As such, there is a network of multi-period and multi-functional buildings, routeways, fields and land use reflecting Medieval, Post Medieval and Early 20th century horticulture, farming and industry; all components of the archaeological landscape of this area of Kent. Nearby are later Post Medieval industrial sites, such as the brickworks and brick kilns south of Chantler's Hill to the south.

Of considerable importance is the Hop Pickers Line which crosses the Redrow development site to the north. This railway was a specifically built branch line leading off the main railway to take seasonal workers to the hop fields across the countryside towards Hawkhurst. It was built around the 1890s and dismantled in the 1960s and reflects the special horticultural heritage of this area of Kent. Although much of the fabric of the line seems to no longer survive, it is still an archaeological landscape feature. Some associated structures and parts of the line survive and it is still reflected in the field boundaries. This is a unique heritage asset, is particularly part of Paddock Wood's heritage and links the area to other parishes of Kent through to Hawkhurst. There is a report on the line commissioned by Tunbridge Wells Borough Council which needs to be a guiding reference for the proposed development schemes. [Paddock Wood to Hawkhurst Branch Line - Historic Environment Desk Based Assessment.](#)

Although there are a few recorded crash sites nearby, there is little Historic Environment Record (HER) data on 20th century military and civil defence archaeology within or adjacent to the development scheme. However, the lack of data does not necessarily mean there are no 20th century military or civil defence structures within the site.

In summary, the proposed development sites do have known important heritage assets on the sites and also nearby. There is therefore potential for significant archaeology below the current surface. Moat Plats medieval site and the 19th century Hop Pickers Line are of particular importance but there is potential for little known prehistoric occupation sites.

With regard to the applicant's assessment of the historic environment, the assessment by the archaeological consultant RPS is supported. The County Council welcomes the Archaeological Desk Based Assessment (DBA) with the Geophysical Survey report, the Built Environment Statement and in particular the Historic Landscape Assessment and has provided comments on these documents below.

Archaeological DBA (Persimmon development site)

Although this DBA is reasonable, the County Council would welcome additional assessment of the Early Prehistoric potential and the implications of the Alluvium and stream along the west side of the site. The County Council would also welcome additional assessment of the moated complex, Moat Plats, and its character and origin, including assessment of its relationship to the stream and to The Cottages, Mascell's Court. There is insufficient

assessment of Moat Plats' "setting" and possible associated archaeological landscape features within the development sites. More documentary research would be useful because there is a need to understand this heritage asset to ensure suitable consideration in terms of mitigation and opportunities. There also needs to be additional assessment of the Chantlers Hill brickworks and brick kiln sites identifiable on the HER and early Ordnance Survey maps. This DBA should also have considered the "lost buildings" including the one south of Elm Tree, Station Road identifiable on the Tithe Map only.

Geophysical Survey

The County Council welcomes this pre-determination fieldwork but notes that only about half the development scheme area was covered. The survey did locate anomalies and potential archaeology, particularly in the Redrow site on the western side, which may be evidence of a prehistoric settlement. There is a need to test the anomalies through trenching to understand the nature and significance of archaeology.

Built Environment Assessments (Redrow and Persimmon developments)

The County Council considers that the assessment is reasonable but there is a focus on the historic farms as isolated buildings without considering their place within the wider landscape, particularly the field system and routeways. This is needed to ensure appropriate understanding of the origins, multi-functional historic use and relationship to the immediate surroundings. The assessment of the Hop Pickers Line is disappointingly brief and emphasises negative elements. For example, contrary to paragraph 4.3, the line is still a noticeable landscape line and there are known remnants, such as surviving track to the west end, with high potential for as yet unidentified structural remnants. This is a significant linear archaeological landscape feature and needs to be assessed in detail, particularly the north western end of the line where known structural remains survive within the woodland.

Historic Landscape Assessment (Redrow and Persimmon Developments)

The County Council welcomes this assessment, however, the consideration of the East Rhoden Stream along the western boundary is insufficient. This water channel is still active, flowing south to north but its longevity is represented in the extent of Alluvium. It could very easily have been a focus for prehistoric and later settlement and activity. A more robust description of the geology and topography would be useful in order to provide a sound assessment of the palaeo-landscape and suggest the potential origins of field boundaries and routeways, both visible ones and those that are lost. The background account 1.3 is not entirely applicable to the Weald. There is no evidence to date of prehistoric or Roman woodland clearance in this area and it seems more likely that this area was fairly dense woodland until the later Medieval and Post Medieval Periods with occasional isolated communities and industrial sites linked through occasional routeways. There is growing evidence of sporadic or seasonable Mesolithic communities through the Weald with activity, such as iron-working, gradually increasing during the Iron Age period. If there is a prehistoric settlement on the application site, evidence of its landscape context could be very important. In addition, Moat Plats is located and fed by the East Rhoden Stream but it is not clear if the stream has been diverted to fill the moat ditch or whether the moated site was integrated into

the natural channel. It is therefore important to understand the nature of the East Rhoden Stream and its valley.

The specialist reports mentioned above are generally supported but there is a slight lack of consistency between the reports. The County Council suggests an integrated approach to heritage provides greater depth and robustness, placing prehistoric archaeology in its palaeo-landscape; ensuring the origins and reasons for industrial sites and sites involving water are considered; understanding the land around farm complexes, not just the buildings themselves; understanding the reason for routeways and field boundaries.

The comprehensive assessment of heritage is not well reflected in the Planning Statement nor in the Design and Access Statement although there is some welcomed consideration. The County Council does not consider the proposed mitigation for archaeology to be sufficient or appropriate. For example, it may be that buried archaeology can be addressed through a programme of investigation leading to preservation in situ and/or preservation by record, but “*evaluation*”, as mentioned in Planning Statement paragraph 6.14.6, is not detailed mitigation but part of a process to determine presence/absence. Detailed mitigation for buried archaeology is more complex and needs to be fully informed and appropriate.

The Redrow development site may contain a prehistoric settlement at least, based on current information. This may be of considerable significance given the rarity of known prehistoric settlements in this part of the Weald. It should not be assumed that preservation by record is sufficient mitigation (Planning Statement paragraph 6.14.11). Further fieldwork to “*ground truth*” the geophysical survey results needs to be considered before the Masterplan is finalised.

The County Council notes the proposals for “*positive heritage measures*” for preservation of the medieval moat and the Hop Pickers Line. However, the proposed mitigation for the currently known and visible heritage assets of Moat Plats and the Hop Pickers Line is not sympathetic and is detrimental to their significance. For example, the Planning Statement on Archaeology within the Persimmon development site suggests the impact on the alteration of the setting of the medieval moated site is “*considered to be low*”. This is not the case because the moated site shown in the Masterplan is left as an isolated block of land with no connections to the active stream, an essential part of its significance, or the surrounding land with the proposed road system acting as a division. The Masterplan of the Persimmon development site does not seem to reflect the historic landscape, particularly the 19^h century field boundaries. In contrast, the Bus Link Application area within the Redrow development site does seem to reflect 19^h century field system, which is welcomed.

The Planning Statement suggests the proposed development represents “*an enhancement*” of the Hop Pickers Line heritage asset, however, the County Council does not agree with this. The Masterplan suggests the Hop Pickers Line will be retained as a narrow strip of land hosting a footpath. Soft natural landscaping with a footpath does not reflect a railway line. The branch railway line would have been fairly wide and a combination of metal and wood with hard foundation. To provide genuine positive enhancement of this heritage asset, more suitable measures should be considered including, for example, a hard or gravelled surface

wide enough to host a railway track with identification, protection and conservation measures for surviving remains, especially towards the North West end.

In summary, these hybrid largescale proposed developments could have a major impact on the historic environment, particularly on the heritage assets of Moat Plats and the Hop Pickers Line. The heritage assessment is good and the County Council particularly welcomes the Historic Landscape Assessment and the geophysical survey. However, the consideration of heritage in the Planning Statement, the Design and Access Statement and in the proposed Masterplan is not sufficient or appropriate.

The County Council recommends that, prior to determination of these applications, there should be additional assessment of Moat Plats and the Hop Pickers Line with more appropriate mitigation proposed and this should be reflected in the Masterplan. In view of the geophysical survey results, the County Council also recommends that further fieldwork assessment is undertaken to clarify the presence/absence of significant archaeology.

As part of this largescale, strategic scheme, the County Council would welcome more details on suitable positive heritage mitigation measures with more sympathetic and appropriate treatment of Moat Plats and Hop Pickers Line. Some of these measures could be included within a s106 Agreement and be part of a Heritage Interpretation and Management Framework.

Once the additional pre-determination assessment works have been undertaken, it may be that archaeological concerns can be addressed through a range of conditions and part of a s106 Agreement.

The County Council therefore places a **holding objection** on the application until further information is submitted in respect of heritage conservation.

Sustainable Urban Drainage Systems (SuDS)

The County Council as Lead Local Flood Authority provided the following commentary direct to the Borough Council on 24 February 2023 (Appendix 4).

Biodiversity

The County Council has reviewed the application documents and notes that a whole suite of ecological information has been submitted, including:

- Species surveys
- Ecological mitigation strategies
- Ecological Management Plan

The County Council would therefore anticipate that the submitted information will provide an understanding of the ecological impact of the proposed development. However, it is advised that Tunbridge Wells Borough Council must be satisfied that that the information is sufficient

and appropriate to ensure that policy and legislation can be considered when determining the application.

Where habitat creation has been proposed as part of the ecological mitigation or enhancements, the County Council recommends that the landscaping/parameter plans must demonstrate that it can be implemented.

The County Council also highlights the need to ensure that the proposed management for the open spaces is appropriate and can be implemented in the long term.

Sport and Recreation

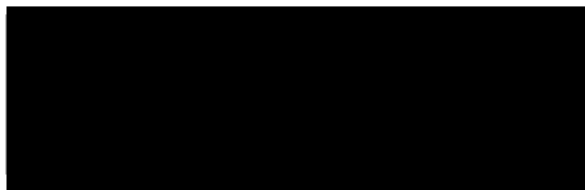
The County Council is concerned with the lack of provision for sport and physical activity and would welcome a conversation with the applicant on its plans for open space and the provision of the local centre, to ensure that the sport and physical activity needs of the local community are met.

Active Kent and Medway may have access to funding to support this increased provision and any additional facilities which may need to be considered as part of these applications.

The County Council will continue to work closely with Tunbridge Wells 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 Tunbridge Wells 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,



Stephanie Holt-Castle
Director for Growth and Communities

Enc.
Appendix 1: LHA response provided direct on 13.03.2023
Appendix 2: Extract of the Network Map
Appendix 3a: Education Assessment
Appendix 3b: New School Build and Land Costs
Appendix 3c: Kent County Council General Transfer Terms
Appendix 3d: Communities Assessment
Appendix 3e: Waste Assessment



Highways and Transportation

Kroner House

Eurogate Business Park

Ashford

TN24 8XU

Tel: 03000 418181

Date: 10 March 2023

Our Ref: LRG/LHG/AJC/1

Alessandra Sartori - GT GC
<Alessandra.Sartori@kent.gov.uk>

Application - TW/23/00086/HYBRID

**Location - Land West Of Mile Oak Road, Paddock Wood,
Tonbridge, Kent, TN12 6NP**

Proposal - HYBRID Application: Full Application for erection of 160 homes. Outline Application (appearance, landscaping, layout and scale reserved) for the erection of up to 400 additional homes, inclusive of associated infrastructure including land for specialist accommodation for the elderly, land for secondary school expansion, a local centre, play areas, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space and associated works

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

1. Introduction

1..1 A joint Transport Assessment (TA) has been submitted for the following applications:

1. 'The Redrow Development' - Full planning application for erection of 170 homes and Waste Water Treatment Works together with temporary construction / haul road off Queen Street to enable the delivery of the Waste Water Treatment Works and up to 150 of the 170 dwellings; and outline planning application (appearance, landscaping, layout and scale reserved) for the erection of up to 430 additional homes, inclusive of associated infrastructure including land for a new primary school, play areas, allotments, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space and associated works
2. 'The Persimmon Development' - Full planning application for erection of 160 homes and outline planning application (appearance, landscaping, layout and scale reserved) for the erection of up to 400 additional homes, inclusive of associated infrastructure including land for specialist accommodation for the elderly, expansion of the secondary school, a local centre, play areas, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space and associated works

3. 'The Bus Link Application' - Full planning application for construction of bus, pedestrian, and cycle link between the land at Church Farm and land at Knells Farm, together with associated works.

The Transport Assessment assesses the cumulative impacts of the developments and this had been reviewed and the following comments are provided:.

2. Submission Local Plan

- 2..1 The sites sit in the Eastern Parcel of the Masterplan Areas for STR/SS 1 Paddock Wood and East Capel Strategic Policy of the Submission Local Plan.

3. The Redrow Development - 23/00118/HYBRID

- 3..1 The Redrow Development forms the northern part of the Masterplan for the current applications and sits east of the Church Farm Development.
- 3..2 For the outline application area of 430 homes, matters of appearance, landscaping, layout and scale are reserved except means of access.
- 3..3 The area of the full application for 170 homes is located at the southernmost section of The Redrow Development and forms Phase 1 (full application) of the Redrow Development – 'RP1'. As shown on the Phase 1 - Site Layout Plan, the site access to RP1 is taken from The Persimmon Development, via an in-site 'Boulevard'.
- 3..4 The full application also includes the delivery of the Waste Water Treatment Works, located at the northern terminus of the Boulevard.
- 3..5 The remaining 430 homes that form the outline element of the Redrow application are also to be accessed through the Persimmon Development, via the main Boulevard.

Access Strategy within site

- 3..6 A Highway Design Code had been developed for both the Redrow and the Persimmon sites, pre-application with consultation with the KCC agreements team. This outlined the requirements and typical features for each type of road hierarchy:
 - The 'Boulevard' is the Primary Route within site and is proposed to be adopted:
 - 30mph maximum speed (20mph in vicinity of schools/play areas)
 - 6.75m carriageway width
 - Two-way cycleway of 3m width. Segregation of 2m verge from carriageway provided.

- o Footway on each side of 2m width
 - o Maximum distance between speed constraints – 150m
- Secondary Routes ‘Streets’ are proposed within site and link to and from the Boulevard.
 - o 20mph maximum speed
 - o 5.5m carriageway width (if non-bus route)
 - o Cycles to utilise carriageway
 - o Footway on both sides
 - o Direct access frontage
 - o Maximum distance between speed constraints – 100m
- Tertiary routes ‘Lanes’
 - o 20mph maximum speed
 - o 4.8m carriageway width
 - o Cycles to utilise carriageway
 - o Footway on at least one side of 2m width
 - o Direct access frontage
 - o Maximum distance between speed constraints – 60m
- Shared surfaces
 - o 10mph maximum speed
 - o Maximum distance between speed constraints – 40m

3..7 The site plan drawing 09268-FPCR-N1-XX-DR-A-0001, shows 2m wide footways and a segregated 3m cycleway (two-way) set-back at least 2m from the primary Boulevard route. This in accordance with the above principles. A road safety audit (RSA1) is required of the proposed set-back cycle priority over the side roads.

3..8 Where there is a shared surface area in site, a 1m verge service strip needs to be provided. In addition, any of the shared surface of 4.1m or less is not suitable for a HGV or an 11.4m refuse vehicle.

3..9 The refuse servicing and delivery strategy for the full application site is required, identifying proposed collection locations and with tracking of these vehicles across the site in accordance to the intended routing. Additionally swept paths are required to evidence tracking and turning of refuse, delivery and emergency vehicles. It is noted that plans 19216-TK01, 02, 03 & 04 are missing from submission, please arrange for these to be provided.

- 3..10 The TA further states “in general, the maximum desirable longitudinal gradient on the footway / cycleway network, including Greenways, within the site will be 2.0% (1:50). Where natural changes in level are unavoidable, short sections of no less than 30m in length may be constructed at 5.0% (1:20). Where these exist, flat platforms of at least 5.0m in length will be provided.” This would meet design requirements for the mobility impaired as per Kent Design Guide. Confirmation is needed that the footways within site are to be DDA compliant.
- 3..11 It is also noted that “the principal access corridors for pedestrians and cyclists will be lit” and consultation should take place with the KCC Street Lighting team and this can be done through the Outline Technical Review process:
<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>
- 3..12 Raised tables on the Boulevard have been incorporated to the full application Site Layout Plan. These have been provided within the appropriate maximum distance between speed constraints. At this site, it is further noted that there is a bend in the alignment of the Boulevard. The forward visibility at this bend in each direction needs to be provided.
- 3..13 The Site Layout Plan shows a significant number of dwellings with direct access to the primary distributor route, with a number of those being tandem parking. This will lead to parking and turning along the distributor road, interfering with the passage of the buses. It is recommended that the number of properties with direct accesses kept to a minimum.
- 3..14 Where trees are proposed along the distributor route evidence of visibility splays from the accesses are required. In addition, the TA states “Inter-visibility splays of 2m x 2m will be provided at crossovers, path junctions to maintain pedestrian safety” – These pedestrian visibility splays need to be provided at all vehicular accesses and maintained to 0.6m in height.
- 3..15 The Waste Water Treatment Works is to be located at the northern terminus of the Boulevard. Please confirm the largest vehicle requiring access to this facility and provide tracking showing the vehicle is able to access the site, turn and leave in a forward gear.

The development to the north of the proposed Church Road access is to serve a total of 760 homes plus a Waste Water Treatment Works and a primary school. Kent Design Guide requires a second access for this scale of development.

- 3..16 The layout of the full application sites will be subject to consultation with KCC Agreement’s team and this can be done through the Outline Technical Review process:
<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Visibility Splays

- 3..17 For junctions within the full application sites, The TA notes – “the local street network is designed to incorporate natural speed attenuation based on a target maximum speed of 20mph on the Boulevard and 15mph on side roads.”
- 3..18 The visibility splays from the side roads off the main Boulevard have been provided on the Phase 1 Site Layout drawings. Despite the drawn splays corresponding to a 20mph design speed, it is noted that the Highway Design Code outlined in Appendix 9 sets out aspirations for the Boulevard to have a maximum speed of 30mph. The TA also sets out for the Boulevard to have a design speed of 30mph. Therefore, this discrepancy in information needs to be confirmed such that the visibility splays in the full application site can be fully assessed.
- 3..19 The developer should ensure that there is adequate traffic calming or road alignment considered to limit speeds to the design speed.

4. The Persimmon Development - 23/00086/HYBRID

- 4..1 The Persimmon Development forms the southern part of the Masterplan for the current applications and sits east of the Mascalls Court Farm Development.

Church Road Vehicular Access – Phase 1

- 4..2 The area of the full application for 160 homes on the Persimmon site, Phase 1 (PP1), is located to the north of Church Road with access proposed via a new priority junction with right turn lane as shown on Drawing Number 19216-GA-00 .and outlined in figure 5 of the TA. A RSA1 is required, tracking and submission through the KCC Outline Technical Review process.
- 4..3 During Phase 1 this junction would serve the full application parts of both developments (160 homes + 170 homes) and the Waste Water Treatment Works. In line with Kent Design development over 300 homes require a second access and this should be addressed.
- 4..4 Visibility Splays at the new junction onto Church Road from the Phase 1 development are shown on Drawing Number 19216-GA-00 comprising of 2.4m x 78m to the west and 2.4m x 79m to the east. For the measured 85th %ile speed of traffic at this location, these splays are appropriate, however, the drawing does need a scale bar so that the dimensions can be fully checked.

Church Road Vehicular Access – Full Development

- 4..5 For full development of both the Redrow and Persimmon sites, the access arrangement from Church Road is proposed to be formed as a staggered crossroad as shown on Drawing number 19216-GA-003. This is outlined in figure 6 of the TA. Tracking diagrams, RSA1, visibility splays based on the 85%ile dry weather speeds and calculated using MfS and submission through the KCC Outline Technical Review process.
- 4..6 It is noted from the TA – *“for the buildout of the detailed elements of the planning application proposals, the junction onto Church Road will be first formed with its northern arm only, with the ability for the junction to be adapted to serve the wider development when it is brought forward.”*
- 4..7 Paras 3.52 and 3.53 of the TA indicate proposals to extend the 30mph speed limit past the new junction on Church Road and drawings are required of the extent of the speed limit with signing, road marking and gateway features shown.
- 4..8 Access to the outline elements of the Persimmon site is to be taken from the south side of Church Road with a distributor road connecting with Mascalls Court Road. The Design and Access Statement notes – *“Vehicular access around the site includes a main north/south boulevard through the site providing access to secondary roads. The boulevard will support bus movement and be provided with tree-planted verges to segregate pedestrian and cycle infrastructure.”* Para 3.69 indicates the distributor road to the development sites south of Church Road is to be 5.5m wide and this is not sufficient for a bus route which requires a width of 6.75m.
- 4..9 To the south of Church Road the distributor road serves 175 homes and also links to Mascalls Court Road from which a further new access is also proposed to serve 70 homes and a separate emergency access is required. Access to parcel PP4 is proposed via Mascalls Court Lane and this would serve 156 homes which would also require a separate emergency access.
- 4..10 Drawing numbers 19216-TK01 Phase 1 Site Access Swept Path Analysis, 19216-TK02 Full Development Site Access Swept Path Analysis (Refuse Vehicle), 19216-TK03 Full Development Site Access Swept Path Analysis (Bus), 19216-TK04 Bus Crossing Swept Path Analysis are listed in the contents page as being included in the plans but are missing. Please could these be provided along with 19216-GA-07 and 19216-GA-01-07 for highway general arrangement which are referred to but not included with the plans or the appendices.
- 4..11 An extension to the secondary school is shown and further detail of access arrangements is required.

4..12 Visibility Splays at the site accesses from Church Road for both the Phase 1 layout, and the staggered crossroads layout for the full development, require visibility splays based on the 85%ile dry weather speeds and calculated using MfS.

Southern Section – Points of Access

4..13 Drawings are provided showing the proposed junction layouts for the full development site and the realignment of Mascalls Court Farm. Comments are as follows:

- Junction 1. Drawing Number 19216/GA/02B shows the junction of the proposed new distributor road with Mascalls Court Road and proposes a priority junction with priority given to the new distributor road. Tracking diagrams and a RSA1 are required. Visibility splays should be based on the 85%ile dry weather speeds along Mascalls Court Road. The proposed junction provides no deflection for vehicles travelling ahead from Mascalls Court Road and may lead to collisions due to failure to give way. Where the pedestrian and cycle crossing is proposed on Mascalls Court Road, visibility splays should be shown reflecting the stopping distance for the 85%ile speed of traffic.
- Junction 2. A width of 6.75m is required to allow for a bus service. A development of c. 100 homes requires a separate emergency access.
- Junction 3. Drawing number 19216/GA/01B shows a change of priority at the junction of Mascalls Court Road/Mascalls Court Lane together with a realignment of the carriageway. Visibility splays, tracking and RSA1 are required for this drawing and also submission through the outline technical review process. The proposals for the realignment of Mascalls Court Road will include a stopping up Order of the existing highway and the applicant will be required to process this through the Town and Country Planning Act.
- Junction 4. A new junction is proposed from Mascalls Court Lane to serve c 150 homes. Visibility splays should be informed by speed surveys in accordance with CA185. Again, tracking and RSA1 are needed together with an emergency access.
- Junction 5. A new junction to serve existing properties from the realigned Mascalls Court Road. The access should be widened at its junction with Mascalls Court Road to allow a vehicle to enter the access when another is leaving. Visibility splays should be informed by speed surveys in accordance with CA185. Again, tracking and RSA1 are required. Please clarify whether this access replaces the existing access to Mascalls Court Farm and if it is to include access to the farm. The access should be designed to accommodate the largest vehicle requiring access and turning provision suitable for the refuse vehicle as a minimum.

- Junction 6. A new junction is proposed from Mascalls Court Road to serve 32 homes. Visibility splays should be informed by speed surveys in accordance with CA185. Again, tracking and RSA1 are required.

4..14 Additional plans are also needed showing tracking and visibility splays for the junctions of:

- o Church Road/Queen Street
- o Mile Oak Road/Mascalls Court Road
- o Mile Oak Road/Mascalls Court Lane
- o Chantlers Hill with the B2160
- o All other locations identified on the Masterplan with 'C' Proposed Vehicle Access Points

Access Strategy within site

4..15 The site layout for the Persimmon full application site is provided on Drawing Number 09268-FPCR-N1-XX-DR-A-0001. The design principles are the same as for the Redrow site and include 2m wide footways and a segregated 3m cycleway (two-way) set-back at least 2m from the primary Boulevard route. A road safety audit is required of the proposed set-back cycle priority over the side roads. The comments made regarding the Redrow site layout also apply to the Persimmon site layout.

Connections to and from outside of development sites

4..16 Further detail is required to demonstrate the connectivity of the footways and cycleways between the sites to the Town Centre, schools and train station. Additionally, in consultation with the KCC PRoW tea, further detail on how the PRoWs link safely with existing routes and where improvements can be made to allow use by cyclists.

5. Temporary Construction Access from Queen Street

5..1 The construction access to phase 1 is proposed via Queen Street. A width of 5m is proposed and this is insufficient for 2 HGV's to pass which could lead to vehicles waiting on Queen Street to manoeuvre into the site access. Additionally, the width of Queen Street is insufficient for 2 HGVs to pass and this is apparent from the swept path diagrams shown on Drawing number 19216/CA/01. The arrangements for the construction traffic should be amended to allow for vehicles to pass safely at the site access and along the construction route. Further details of the construction phases are required including the route to be taken by construction vehicles towards the strategic road network, the number of traffic movements generated, the duration of the construction period for each phase and this information included in a Construction Management Plan.

5.2 Visibility from the proposed construction access onto Queen Street is also shown on drawing number 19216/CA/01 comprising of 2.4m x 83m to the left and 2.4m x 87m to the right which is appropriate for the measured speed of traffic at this location. However, the drawing does need a scale bar so that the dimensions can be fully checked.

6. Parking in Full Development Sites

6.1 The parking layout is shown on the Phase 1 Site Layouts for each respective application. This shows how parking is allocated and to which dwelling. My commentary is as follows:

- Parking allocations for all 1-bed and 2-bed plots meet requirements.
- For 3-bed units. Kent Design Guide requires a minimum of 1.5 vehicle parking spaces with the allocation of one space per unit possible. Where just 1 space is allocated to a 3-bed unit, there is an additional visitor (unallocated) space that can be shared by two 3-bed units. There is sufficient parking provision located nearby for all 3-bed units.
- A significant number of 4-bed units have tandem parking spaces, or tandem spaces plus a garage. KCC does not include garages in total provision. Furthermore, tandem parking spaces are not attractive to residents and are often underutilised. Kent Design Guide requires a minimum of 2 independently accessible spaces per 4-bedroom unit. Alternative arrangements should be considered to avoid indiscriminate parking. Please note the conversion of the garage to a car barn or car port will not be acceptable in this scenario when sited behind the tandem spaces, or form a tandem parking arrangement.
- KCC's emerging parking standards recommend an additional 'off plot' space for four-bedroom units. I would like to request identification of additional off-plot parking spaces for all four-bedroom units with tandem parking and garages. These could be additional unallocated visitors' spaces. (This is in addition to the 0.2 spaces per unit across each development)
- The Redrow Site:
 - o Plot 19 has 0 car parking spaces allocated to it
 - o The parking to plot 41 is annotated as plot 43, which is assumed to be an error but please can this be clarified.
 - o Regarding the concern raised previously in relation to 4-bed units without 2 independently accessible spaces – when considering the site plan and layout of visitor spaces, 4-bed unit plots 5, 45, 58, 59, 100, 132 and 133 do not have visitor spaces nearby
- The Persimmon Site:
 - o on plot 93, the car barn is annotated as '92'. Can it be clarified as to whether this should be a car barn for plot 93, in tandem with the other space at no. 93.
 - o on plot 96, the car barn is annotated as '95'. Can it be clarified as to whether this should be a car barn for plot 96, in tandem with the other space at no. 96.

- on plot 132, the car barn is annotated as '131'. Can it be clarified as to whether this should be a car barn for plot 132, in tandem with the other space at no. 132.
 - on plot 146, the car barn is annotated as '145'. Can it be clarified as to whether this should be a car barn for plot 146, in tandem with the other space at no. 146.
 - Regarding the concern raised previously in relation to 4-bed units without 2 independently accessible spaces – when considering the site plan and layout of visitor spaces, 4-bed unit plots 77, 78, 79 and 80 do not have visitor spaces nearby
 - Furthermore, visitor parking for plots 1, 2, 3, 4 and 5 are a distance away from these 4-bed plots
- Please can the applicant provide details of the dimensions for all parking spaces. KCC's emerging parking standards recommend that a standard reverse in / reverse out space should be 2.5m x 5.0m. In addition:
- An extra 20cm should be added to any side with a wall or other barrier likely to affect the ease of opening doors (a space between two walls should therefore be 2.9m wide).
 - An extra metre should be added to the rear of any reverse in / reverse out bay where the space abuts an access door or garage door (if it is to swing forwards – please clarify)
 - A 50cm setback should be provided between any footway or carriageway and the parking space.
 - Tandem spaces should be increased to 11.0m in length
- For the parallel visitor spaces – KCC's emerging parking standards recommend that a standard parallel parking space should be 2.5m by 6.0m.
- Garages:
- Although garages do not count towards the number of parking spaces provided, KCC's emerging parking standards do have minimum dimensions to encourage their use for parking alongside likely utility / storage use.
 - The dimensions of single garages and twin garages have been indicated in the House Type Pack on drawings 09268-FPCR-S1-XX-DR-A-0260 and 09268-FPCR-S1-XX-DR-A-0262.
 - Using the scale bar provided, this shows 3m x 6m (W x L) for single, which falls under the minimum internal dimensions of 3.6m x 7m minimum from the emerging parking standards.

- The double garages have a dividing wall. Therefore, both portions of the double garage should each meet the above standards. The drawing is shown to measure 3m x 6m (W x L) for each portion and therefore falls under the minimum internal dimensions.
 - The minimum internal dimensions for a double garage (without a dividing wall) is 7.0m (depth) x 6.0m (width).
- Car Barns single and twin:
 - The dimensions of single car barns and twin car barns have been indicated in the House Type Pack on drawing 09268-FPCR-S1-XX-DR-A-0261.
 - The KCC emerging parking standards requires for a minimum of 2.5m x 5m (W x L) single car barn, and a minimum of 5.5m x 5m (W x L) double car barn.
 - The drawing shows that these standards are met
 - Electric Vehicle Chargepoints:
 - o The TA notes “Electric Vehicle Charging Points (EVCPs) will be provided to accord with new Kent Design Guide standards. For residential uses, dwellings with on-plot parking will be provided with 1 active charging point per dwelling with a minimum output rating of 7kW whilst dwellings with unallocated communal parking will be provided with 10% active charging spaces and 100% passive charging spaces. Passive provision comprises the provision of ducting to enable cabling / connections to be installed at a later date.” This proposal is acceptable.
 - o Cycle Parking:
 - o The TA states “Cycle parking facilities will be provided either within the curtilage of each residential dwelling (in garages where applicable) or communal stores dependent upon the finalised accommodation mix. Cycle parking for non-residential uses will be provided in sheltered, secure and communally accessible locations”
 - o For C3 residential use, cycle parking is proposed to be allocated on 1 space per bedroom, which is acceptable.
 - o Details of cycle parking provision for Phase 1 of both developments can be covered by condition, such that it can be shown how the space can accommodate for the bicycles.
 - Car Club
 - o Car club provision is to be included in the development and further details would be welcomed together with an appropriate condition towards car club membership for the new residents.

7. Bus Access

7..1 The KCC Public Transport team have been consulted internally and comments will be provided once received.

Bus link - TW/23/00091/FULL

7..2 A bus only access is proposed to link in the northern part of the site, from the western site boundary at Church Farm. This is to facilitate a proposed demand-responsive bus service through Paddock Wood. A bus gate is also proposed. The Design and Access statement notes – “The main route will accommodate a bus route with the northern section of the site controlled by a bus gate to the north west within the Redrow development.”

7..3 The highway design of the bus link is shown in Appendix 10 of the TA and the RSA1 at Appendix 11.

7..4 The proposals for the bus link and the bus gate should be submitted through the KCC Outline Technical Review process:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Bus access throughout the sites

7..5 In relation to the access from Church Road, during Phase 1 of the Development (i.e. the northern arm), the TA states “The side road arm serving the proposed development will be provided to a width of 6.75m to accommodate a bus route. This road width accords with the principles of the Kent Design Guide which identifies that a ‘Distributor Road’ to serve 300+ dwellings should be provided to a 6.75m width. The road will ultimately form the main Boulevard through the site.”

7..6 However, in relation to the section of Boulevard to the South of Church Road where it intersects with Mascalls Court Road and Mascalls Court Lane, it is noted that the Boulevard is to be typically provided with a 5.5m carriageway width which falls short of the 6.75m required for a bus route.

8. Baseline Data

Personal Injury Collisions

8..1 The area covered in the TA shows no particular problems, however it is requested that the scope of assessment is extended to include:

- The B2016 to and including its junction with the A21
- The route to the A21 through Mile Oak, Pixot Hill, Brenchley to the A21

- Chantler's Hill, including its junctions with Mascalls Court Road and the B2160
- B2017 between its junction with the B2160 Maidstone Road to the junction with the A26
- Queen Street north of the railway line to and including the junctions with Lucks Lane and Wagon Lane
- Lucks Lane and Wagon Lane including their junctions with the B2160 Maidstone Road
- B2160 Maidstone Road to and including its junction with the A228 at the Hop Farm roundabout
- A228/Whested Road
- A228 Colts Hill

9. Traffic Impact of Development

Trip Generation

- 9..1 The trip generational potential of the development has been analysed in section 6 of the TA. The vehicular trip rates used for the Local Plan Evidence Base has been applied. The use of the strategic trip rates used for the borough wide Local Plan assessment may not reflect the characteristics of the Paddock Wood development site and so a bespoke assessment of trip generation using TRICs for sites with similar characteristics is required, as was provided in the original pre application scoping. The reduction of the trip rates by 10% should be an additional sensitivity test.
- 9..2 The residential trip rates used in the TA are 0.48 (two way) for both the AM and PM peaks, however these should be updated as previously mentioned. For the first phase of development (330 units) this would equate to 158 two-way vehicle movements. A 10% reduction for sustainable travel would result in 142 vehicle trips in the peak hours. Using the same trip rate 1100 dwellings would generate 528 two-way vehicle trips in the peak hours and with 10% reduction for sustainable travel this would be 475.
- 9..3 Trip rates for the specialist accommodation for the elderly (60 units) have been derived using TRICs and this methodology is acceptable. The proposal is estimated to generate 16 two way vehicle movements in the AM peak and 13 in the PM peak.
- 9..4 The development includes for a 2FE primary school and an extension to the existing secondary school; Mascalls Academy and trip generation and distributions should be included in the assessment.

10. Development Related Impact on the Highway Network

Future year growth

10..1 A future year of 2027 has been used for Phase 1 (330 units), and 2034 for full development (1,160 units), with TEMPRO growth rate factors applied to the 2021 surveys. Committed development is not included in the assessment. Bearing in mind the high levels of growth being experienced in Paddock Wood and that proposed and included in the Submitted Local Plan it is considered that the committed development should be included in the impact assessment as well as Temprow growth factors.

Trip Distribution

10..2 Trip distribution has been based on 2011 census data and the routing based on peak hour journey times. The details of this are currently being reviewed and the comments on this provided separately.

10..3 Traffic flow diagrams showing 2027 flows are missing from Appendix 19. Please could these be provided.

Impact

10..4 Impact assessments have been completed on a number of junctions for both the AM and PM peak periods which are identified as 0730 - 0830 and 1630 - 1730. Please provide evidence to show how these peak periods have been identified, the Arcady and Picady models used in the capacity assessments, CAD files for the junctions modelled and a copy of the full result printouts for the Linsig modelling. Once this information is provided I will be able to review the impact assessment and provide further comment. I have however received an initial response from the KCC Traffic and Network Solutions team who have stated that the existing LINSIG model at the Maidstone Road/Badsell Road/Mascalls Court Road junction needs to be based on the current junction's operation (as built drawing have been provided separately) and stage sequence, utilising the existing intergreen timings. Also, the scenario with the improvement scheme (also provided separately) requires the extendable pedestrian crossing intergreen timings to be extended to their maximum when modelling the junction in order to give a worse case scenario.

10..5 The assessments have been provided for :

- o 2027 base;
- o 2027 base + development of 330 homes;
- o 2034 base; and
- o 2034 base + development comprising 1100 homes and 60 units specialist accommodation for the elderly.

10..6 It is recommended that the 2021 models are validated against queue lengths or the Local Plan model.

10..7 An assessment of the junctions with the full local plan development strategy is not provided.

10..8 A summary of the results is as follows:

Results of capacity assessments taken from the TA

Junction	2027	2034
Church Road/ site Access Phase 1	No capacity issues for the scenarios modelled	
Church Road / Site Access full development	No capacity issues for the scenarios modelled	
Church Road/Mile Oak Road/Pearsons Green Road/Queen Street staggered priority crossroads	No capacity issues for the scenarios modelled	
B2160 Maidstone Road/Badsell Road/Mascalls Court Road staggered signalised crossroads Existing layout	Maidstone Road (N) right DoS* 94.8% in the pm peak this increases to 97.3% DoS with development. Badsell Road is 92.6% DoS in the PM peak and increases to 98.6% with development.	The junction is over capacity in the 2034 base year scenario Maidstone Road (N) right DoS is 100.5% this increases to 110.3% with development. Badsell Road is 99.4% DoS increasing to 110.7% with development.
B2160 Maidstone Road/Badsell Road/Mascalls Court Road staggered signalised crossroads Proposed layout		shows operation within capacity
A228/B2160 Maidstone Road roundabout (Hop Farm)	No capacity issues	2034 base scenario indicates the junction will be over practical capacity with an RFC** of 0.94 in the PM peak. The 'with development' scenario increases the RFC to 0.97.

A228/B2017 Badsell Road roundabout	the junction operates over practical capacity in the 2027 base with the A228 Maidstone Road RFC reaching 0.91 in the AM pk and increases to 0.92 in the + dev scenario.	In 2034 the A228 Maidstone Road arm RFC increases from 0.96 to 0.99 with the addition of the development traffic and the queue length increases from 14.9 in the base scenario to 22.1 with development. Additionally, the B2017 Badsell Road RFC becomes over practical capacity in the PM peak with development with an RFC of 0.89.
A228/Alders Road/Crittenden Road staggered crossroads	No capacity issues for the scenarios modelled	
Church Road/Warrington Road	No capacity issues for the scenarios modelled	
Maidstone Road/Station Road	No capacity issues for the scenarios modelled	
B2160 Maidstone Road/ Commercial Road	No capacity issues for the scenarios modelled	
B2160 Maidstone Road/Warrington Road	No capacity issues for the scenarios modelled	
B2160 Maidstone Road/Chantlers Hill	No capacity issues for the scenarios modelled	

*DoS is Degree of saturation , as the DoS becomes close to 100% the manoeuvre becomes very sensitive to any further increase in traffic. A DoS of 90% is usually taken as Practical Capacity, and it is desirable to achieve a Practical Reserve Capacity (PRC) of at least +10%.

** RFC is ratio of flow to capacity An RFC value of 0.85 is usually taken as indicating that the manoeuvre is operating at practical capacity, while a value of 1.0 indicates that it is operating at theoretical capacity.

10..9 The results of the impact analysis show that mitigation measures are required at:

- B2160 Maidstone Road/Badsell Road/Mascalls Court Road staggered signalised crossroads – the junction is over capacity in the 2027 base PM peak and this becomes worse with the development. However, with the planned improvement scheme the junction can accommodate the 2034 flows with full development and remain within capacity.
- A228/B2160 Maidstone Road roundabout (Hop Farm)
- A228/B2017 Badsell Road roundabout

NB It should be noted that the results above are a summary of those in the TA and further assessment may be required with altered trip rates. The distribution of traffic and the junction models are currently being reviewed for accuracy and additional information has been requested to facilitate this. Once this is completed the findings will be made available and the models may need to be amended accordingly.

Additional Impact Assessment requirements

10..10 I would also like to understand the impact of the development on the surrounding highway network outside of the existing study area as listed below:

- Impact along the B2160 Maidstone Road through the local villages and to the A21, including an assessment of the impact at the A21/B2160 junction (Kippings Cross)

It would also be useful to validate the distributions proposed along this route by comparing the increase in traffic along the B2160 with that predicted for the committed residential development sites to ascertain whether this route is likely to become more popular than predicted.

- There have been concerns relating to capacity and safety along Colts Hill and through Five Oak Green for numerous years and therefore a review of safety conditions and link capacity would be extremely helpful.
- An increase of approximately 73 two-way peak hour movements is expected on the B2017 towards its junction with the A26 west of Tudeley (Woodgate Way roundabout) and so a capacity assessment is required at this junction with an extended distribution assessment to identify the increase in traffic expected at the neighbouring junctions.
- I note that 26.7% of generated traffic (141 two way movements) is predicted to route along the A228 to/from the north and this is likely to impact on the junction of the A228/A26/Seven Mile Lane which is known to suffer congestion at peak times. Please include a capacity assessment of this junction, the A26/A228 junction at Mereworth and the junction of Seven Mile Lane with the A20.

- B2160 junction with Chantlers Hill. Chantlers Hill provides a direct route between Mascalls Court Road and the B2160 Maidstone Road towards the A21 and is likely to see a significant increase in traffic arising from this development. Please provide evidence to demonstrate the suitability of this route in terms of road width and visibility at its junctions with the B2160 and with Mascalls Court Road.
- The A21 junction with Pembury Road
- The A264 Pembury Road junction with Halls Hole Road and Blackhurst Lane
- A264/Sandhurst Road
- A264/Sandrook Road
- A264/Calverley Park Gardens and A264/ Calverley Road

11. Travel Plan

11..1 The Travel Plan has been forwarded to the KCC Travel Plan Monitoring Officer and the following comments provided:

Para. 2.72 – for the car park spaces how will these spaces be managed and monitored?

Para. 3.12 – Please include the name of the bus provider for this area .

Para. 5.5 – It states that surveys will be taken once occupation is at 50% , I would like it to be clear if this is all the applications/ phases of the different developments or all as it is going to be monitored over 5 years there could be space between completion of one of the applications to others .

Para. 6.21 – For the car club it would be good to know the take up for this service included when doing the surveys

Para. 6.3 – Once set up it would be good to have a link to the community website included.

Para. 6.7 – I would like to see a copy of the Information Pack once produced and for it to be included in the Travel Plan document

Para. 8.3- Please update with TPC Details once appointed.

12. Conclusion

12.1 Additional information is required as outlined above in order that the highway related impacts of these developments can be fully assessed. Once that information is received and reviewed I shall provide additional comments.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Yours faithfully



KEY

- — Footpath
- |-| Bridleway
- ∨-∨- Restricted Byway
- ∨ Byway Open to All Traffic

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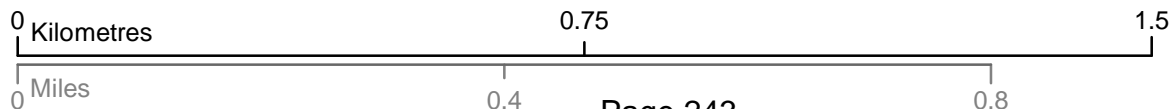
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KCC developer contribution assessment for Primary Education

District: Tunbridge Wells	1-bed: 12
Site: Knells Farmhouse, Queen Street, Paddock Wood Tonbridge, Kent, TN12 6NP	Houses: 522
Plan ref: TW/23/00086	Flats: 26
Date: 17/02/2023	Total units: 560

Current and forecast pupils on roll for schools within

Paddock Wood planning group

DFE no.	School	2021-22 (A)	2022-23 (A)	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)
2128	Capel Primary School	206	206	229	241	249	249	250	250	246	246	243
2127	Paddock Wood Primary School	593	606	643	686	680	673	675	687	682	684	676
Current and forecast pupils on roll (excluding the expected pupil product from new developments)		799	812	871	928	929	922	924	936	928	931	920
Required capacity to maintain 2% surplus capacity		815	829	889	947	947	941	943	955	947	950	939

Current and forecast capacity for schools within

Paddock Wood planning group

DFE no.	School	2021-22 (A)	2022-23 (A)	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)
2128	Capel Primary School	210	210	210	210	210	210	210	210	210	210	210
2127	Paddock Wood Primary School	630	630	630	630	630	630	630	630	630	630	630
Current and forecast capacity (1)		840	840	840	840	840	840	840	840	840	840	840

(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

Paddock Wood planning group

Planning reference	Development	Houses	Flats	Primary product
TW/22/02005	Land And Open Space Goldings Paddock Wood Tonbridge TN12 6EQ	0	8	1
TW/21/02236	Touchwood Pearsons Green Road Paddock Wood Tonbridge Kent TN12 6NY	3	0	1
TW/21/01862	Church Farm And Land Church Road Paddock Wood Tonbridge Kent	60	0	17
TW/21/00665	Land Rear Of, 7 - 9 Station Road, Paddock Wood, Tonbridge, Kent	0	12	1
TW/20/02271	Land West Of Sychem Place Five Oak Green Tonbridge Kent	8	0	2
TW/19/03349	Land At, Mascalls Farm, Badsell Road, Paddock Wood, Tonbridge, Kent (S106)	90	11	0
TW/17/04224	Land at Willow Lane, Willow Lane, Paddock Wood, Tonbridge, Kent TN12 6NL	10	0	3
TW/17/03480	Mascalls Farm, Paddock Wood (S106)	309	0	0
New developments within the planning area		480	31	24
This development		522	26	148

Assessment summary

Detail	2021-22 (A)	2022-23 (A)	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)	25	11	-49	-107	-107	-101	-103	-115	-107	-110	-99
Expected pupil product from new developments	24	24	24	24	24	24	24	24	24	24	24
Surplus / (deficit) capacity including the expected pupil product from new developments	1	-13	-73	-131	-132	-125	-127	-139	-131	-134	-123
Expected pupil product from this development	148	148	148	148	148	148	148	148	148	148	148
Surplus / (deficit) capacity including the expected pupil product from new developments and this development	-147	-161	-221	-279	-280	-273	-275	-287	-279	-282	-271
Expected pupil product from this development that on current plans for school provision cannot be accommodated	147	148	148	148	148	148	148	148	148	148	148

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.

Appendix 1A

Education

Site Name	Land West Of Queen Street And Mile Oak Road Paddock Wood Tonbridge Kent TN12 6NP
Reference No.	TW/23/00086/HYBRID
District	Tunbridge Wells

	Houses	Flats	Total
Unit Numbers	522	26	548

Primary Education			
		Per house	Per flat
<i>Primary pupil generation rate</i>		0.28	0.07
New Primary Pupils generated from this development			148
New Primary School build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	£24,286	£6,800	£1,700
Contribution requested towards New Primary School Build			£3,593,800.00
New Primary School site contribution			
Residential Land Price per acre for Tunbridge Wells			£1,000,000
	Pupils	Hectares	Acres
<i>2FE Primary School</i>	420	2.05	5.06555
	per Pupil	per House	per Flat
<i>Land Rate</i>	£12,060.83	£3,377.03	£844.26
Total = Primary School Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New Primary School) = 5.06555 x 1000000 x (147.98 / 420)			
Contribution requested towards New Primary School Site			£1,784,762.12
Total Primary Education Build and Land contribution			£5,378,562.12

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

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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.
 - 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

APPENDIX 2

KCC Communities

Development Contributions Assessment

Site Name	Land West Of Queen Street And Mile Oak Road Paddock Wood Tonbridge TN12 6NP
Reference No.	TW/23/00086/HYBRID
District	Tunbridge Wells
Assessment Date	22/02/2023
Development Size	560

COMMUNITY LEARNING & SKILLS (CULTURAL HUB ELEMENT)	
	Services
Current Service Capacity	1,674
LESS Current adult participation in Tunbridge Wells district	1,758
Initial capacity shortfall/surplus (Year ending 2019)	-84
New adult participation from this development	20.1 clients
Will service capacity be exceeded?	YES

YOUTH SERVICE		
	Centre and Hub based Services	Outreach and Targeted Services
Current Service Capacity	1,548	833
LESS Current youth participation in Tunbridge Wells district	1,625	875
Initial capacity shortfall/surplus (Year ending 2019)	-77	-42
New youth participation from this development		28 clients
Will service capacity be exceeded?		YES
Contributions requested from this development		<u>£65.50 per dwelling</u>
<i>560 dwellings from this proposal</i>		<u>£36,680.00</u>
Contributions requested towards additional equipment and resources for the Kent Youth Service to enable outreach work in the vicinity of the development.		

LIBRARIES (CULTURAL HUB ELEMENT)	
Libraries assessed for this development	Library Stock and Services
Current Service Capacity	13,770
LESS Current library participation in Tunbridge Wells district	14,459
Initial capacity shortfall/surplus (Year ending 2019)	-689
New borrowers from this development	163.3 borrowers
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£437.21 per dwelling</u>
<i>560 dwellings from this proposal</i>	<u>£244,837.60</u>
Contributions requested towards Tunbridge Wells Cultural Hub - Libraries / Adult Education / Social Care	

Net contributions requested for KCC Communities' Services	£281,517.60
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APPENDIX 3

KCC Waste Services

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

Site Name	Land West of Queen St and Mile Oak Rd, Paddock Wood Tonbridge TN12 6NP
Reference No.	TW/23/00086/HYBRID
District/Area	Tunbridge Wells
Assessment Date	22/02/2023
Development Size	560

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	560
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
560 dwellings from this proposal	£72,352.00

Contributions requested towards Tunbridge Wells 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	560
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
560 dwellings from this proposal	£30,503.20

Contributions requested towards Tunbridge Wells HWRC

Net Contributions requested for KCC Waste from this development	£102,855.20
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*** 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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Kevin Hope
Tunbridge Wells Borough Council
Town Hall
Mount Pleasant Road
Tunbridge Wells
Kent
TN1 1RS

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: TWBC/2023/094013
Date: 24 February 2023

Application No: 23/00086/HYBRID

Location: Land West Of Mile Oak Road, Paddock Wood, Tonbridge, Kent, TN12 6NP

Proposal: HYBRID Application: Full Application for erection of 160 homes. Outline Application (appearance, landscaping, layout and scale reserved) for the erection of up to 400 additional homes, inclusive of associated infrastructure including land for specialist accommodation for the elderly, land for secondary school expansion, a local centre, play areas, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space 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 Drainage Strategy prepared by Stantec UK Limited dated 16th December 2022 and the Drainage Strategy Report dated December 2022 prepared by Barter Hill and have the following comments:

It is understood from the report that the surface water is to be managed through using attenuation basins, a series of swales and permeable paving prior to a restricted discharge at 5.3 l/s/ha into the East Rhoden stream.

We note that within the outline application catchment A has been reserved for a school expansion, however this has not been assessed further as part of this drainage proposal. We would seek for further information to be provided regarding this parcel, or for it to be separated from this application.

We request for further clarification on the above matter.

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,

Emily Neale
Graduate Flood Risk Officer
Flood and Water Management

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Growth, Environment & Transport

Sessions House
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 412064
Ask for: Stephanie Holt-Castle
Email: Stephanie.Holt-Castle@kent.gov.uk

Kevin Hope
Tunbridge Wells Borough Council
Town Hall
Mount Pleasant Road
Royal Tunbridge Wells
TN1 1RS
BY EMAIL ONLY

13 April 2023

Dear Kevin,

Re: Hybrid application with appearance, landscaping, layout and scale reserved for a proposed development at Land West of Queen Street and Mile Oak Road, Paddock Wood, Tonbridge, Kent [application reference: 23/00086/HYBRID]

Thank you for consulting Kent County Council (KCC) on the hybrid planning application for the development at Land West of Queen Street and Mile Oak Road, comprising of the full application for the erection of 160 homes and an outline application (appearance, landscaping, layout and scale reserved) for the erection of up to 400 additional homes, inclusive of associated infrastructure including land for specialist accommodation for the elderly, land for secondary school expansion, a local centre of retail and community use, play areas, network of new roads and widening of existing roads, surface water drainage features, car and cycle parking and open space and associated works (the Persimmon development).

The County Council notes that this application has been submitted alongside two related proposals at Land West of Queen Street, including the Redrow development (reference: 23/00118/HYBRID) and the corresponding Bus Link Application (reference: 23/00091/FULL). A separate response is made in respect of these applications and where appropriate, the cumulative impact of these three applications is considered.

In summary, and in considering the application as it currently stands, the County Council also raises a **holding objection** on the following grounds:

Public Rights of Way (PRoW): The County Council does not consider that the application provides sufficient detail in respect of PRoW and the response sets out the material required for the County Council to be able to appropriately consider the application.

Heritage Conservation: These hybrid largescale proposed developments could have a major impact on the historic environment, particularly on the heritage assets of Moat Plats and the Hop Pickers Line. The County Council does not consider the inclusion of heritage in the Planning Statement, the Design and Access Statement and in the proposed Masterplan to be sufficient or appropriate. Additional assessment of Moat Plats and the Hop Pickers Line must be submitted with more appropriate mitigation proposed and this should be reflected in the Masterplan. The County Council also recommends that further fieldwork assessment is undertaken to clarify the presence/absence of significant archaeology, prior to determination of the application.

The County Council's response:

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

Highways and Transportation

The County Council as Local Highway Authority provided comments direct to the Borough Council on 13 March 2023 (Appendix 1).

Public Rights of Way (PRoW)

The County Council, as Local Highway Authority, in respect of Public Rights of Way, raises a holding objection to the application pending the provision of information as set out within this response.

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. The County Council 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. The County Council intends for people to enjoy, amongst other things, 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.

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 personal and societal ambitions and needs, including access to and appreciation of landscapes for personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion, supporting the local economy, improving local air quality, and much more. For these reasons, new development is expected to give positive regard to PRoW.

In determining whether to grant planning permission, the Local Planning Authority is required to consider the local PRoW network and public off-road access generally. The PRoW network is a material consideration ([DEFRA PRoW Circular 1/09](#), paragraph 7.2) requiring careful consideration of the consequences of development and, in accordance with various

parts of the [National Planning Policy Framework](#) (NPPF) (July 2021), is to be protected and enhanced.

Site context

The proposal is a hybrid application, seeking full planning permission for part of the development and part as outline planning permission. The County Council, in respect of PRow, considers it appropriate to respond on the basis of being a single permission.

The development is for up to 560 residential units, specialist accommodation for the elderly, expansion of an existing school, as well as other facilities. In the event planning permission is granted, this could reasonably bring c.2000 people to the area, and therefore significantly increase the demand on local off-road access.

This application has been submitted in parallel with an application for development on adjacent land by Redrow Homes for up to 600 homes and various local facilities (reference: 23/00118/HYBRID). This would bring a further c.2000 people to the area.

Whether one or both residential applications are granted, the local PRow network can reasonably be expected to experience increased demand. The County Council, as authority with responsibility for the maintenance of PRow surfaces, will be faced with a consequential increase in maintenance demand in addition to pressure for new access opportunities.

A further Bus Link Application (reference: 23/00091/FULL) has been submitted for the construction of a bus, pedestrian and cycle link across the East Rhoden Stream to connect the Redrow development site with consented development known as Church Farm that is currently being built-out.

The following PRow are either recorded within, whether partly or wholly, or on the boundary of the applicant's proposed development:

- Public Footpath WT257
- Public Footpath WT263
- Public Footpath WT267
- Public Footpath WT269
- Public Footpath WT270

Other PRow in close proximity to the proposed development (not exhaustive):

- Public Footpath WT256
- Public Bridleway WT315

The local network of paths is generally not contiguous, requiring path users to use the local road network to connect with the next PRow. Often these local roads are not provided with footways, therefore requiring path users to travel within the road width and be exposed to the hazards within. Additionally, the local network is predominantly formed of Public Footpaths,

permitting as of right public access on foot and with certain mobility vehicles. A few Public Bridleways exist, which extend the public's access right to use on bicycle and horse, but these are even more disconnected and require greater use of lengths of road for users to continue their journey.

Information on the Definitive Map of Rights of Way and Definitive Statement, the legal record of PRow, and a map showing all Kent's PRow can be found [here](#). An extract of the Network Map for the application area can also be viewed in Appendix 2.

In addition to their status as PRow, some of the above paths are included as part of a [Medway Valley Rail Trail](#) promoted route.

Comment

As general principles, the County Council expects development proposals to give positive consideration to active travel for access to amenities, facilities and services and to recognise the various statutory documents and framework for management of the PRow network and off-road access generally. Given the site's location on the periphery of the town, the application must support the concept of active travel to minimise additional local vehicle traffic on roads whilst also enhancing individuals' health and lifestyles. However, active travel receives only passing reference within the Design and Access Statement, Planning Statement and Transport Assessment. The County Council is further disappointed that only the latter defines active travel whereas this should be defined in all three documents, so that confidence can be taken for consistency of consideration and provision. All three documents also fail to recognise the ROWIP, a statutory document that assesses need across the county PRow network and aims to address accessibility issues. The County Council recommends that all three documents should therefore be revised to include specific consideration of both active travel and the ROWIP relative to this development.

The application has inconsistencies regarding access provision, and the County Council is therefore uncertain of the exact proposal for walking and cycling. For example, the Masterplan, the Movement, Access and Footpaths drawing and the Sustainable Movement and Open Space Function Matrix do not show exactly the same walking and cycling routes - regarding parcel P11, the first and second plans suggest a new footpath is to be created whereas the third plan suggests a walking and cycling route is to be delivered. The applicant must make clear quite what is being proposed in order for the County Council (and all consultees and members of the public) and the Local Planning Authority to adequately assess the proposal.

Reference is made within the Design and Access Statement, Planning Statement, and Transport Assessment to the connection between walking and cycling routes within the site with planned paths in neighbouring developments, principally to facilitate walking and cycle access to/from Paddock Wood town. However, no information is provided as to the certainty that routes within those developments will be created, what status they will be given for public access, or who will be maintaining them. Given the need for the Local Planning Authority to be satisfied on the site's sustainability, and for the Local Highway Authority to take confidence the future local access network will appropriately support the proposed

development, it is fundamental that the applicant elaborates on the various references and provides supporting evidence as appropriate. As a principle, the County Council is inclined to support proposals that enhance walking and cycling and horse riding, including the creation of new links or improvement of existing facilities to better support enlarged future communities.

The County Council has reviewed the Design and Access Statement, Planning Statement, and Transport Assessment and has provided the following comments:

Design and Access Statement

Section 2 - 'Site Understanding and Considerations':

- This omits discussion of PRow within and in close proximity to the site boundary.

Section 4 - 'Movement and Access':

- Reference to LTN 1/20 for cycle infrastructure design and provision of visibility splays of 2.4m x 31m at cycle crossing points is acknowledged.
- It states, *'In addition to the formal pedestrian and cycle infrastructure, the site will also **consider** [author's emphasis] comprehensive improvement plans for PRow routes within and leading away from the site. This includes Footpaths WT257 and WT256. The Hop Pickers route will also form a pedestrian access route across the Redrow site.'* The County Council considers that the development will increase demand on PRow within, leading away from and outside of the development boundary and, therefore, will require the applicant to mitigate this demand in order that the County Council is not unfairly burdened. It will not be acceptable for the applicant merely to '*consider*' improvements. The County Council notes paragraph 3.19 in the Transport Assessment, which states '*a comprehensive improvement plan for PRow routes within and leading away from the site*', although this is not detailed and the applicant is requested to propose '*a comprehensive improvement plan*' for the County Council's consideration.

Planning Statement

- This document does not greatly detail off-road access provision. However, unlike the Transport Assessment, it does recognise NPPF paragraphs 92, 93 and 98. The County Council would recommend that these be discussed in the document and it should be considered how they will be applied/satisfied within the proposed development.

Transport Assessment

- The County Council welcomes acknowledgement of NPPF paragraphs 104, 105, 110, 111 and 112. However, reference is omitted to paragraphs 92, 93, 98, 100 and 106 and in determining this application, the Local Planning Authority is required to

carefully consider the proposal against all of these paragraphs and it is recommended that they are therefore addressed. The proposal to establish various walking and cyclable routes within the site and links to neighbouring developments and into Paddock Wood town is welcomed. In the view of the County Council, it will contribute to the principle of active travel. However, the County Council would welcome further proposals to provide all paths within the site as suitable for both walking and cycling. This will help to establish a culture to travel locally without vehicle transport.

- NPPF paragraphs 100 and 104c require the applicant to enhance local walking and cycling and ensure convenient access for all. However, the County Council does not consider the proposal to satisfy these paragraphs, as it does not reflect the need for future site residents to access the countryside east and south of the site. The County Council expects a programme of enhancements to be funded and delivered by the applicant to be agreed with the County Council within a Section 106 (s106) Agreement. This should include a cyclable link within the site to Public Bridleway WT318 and enhancements on surrounding PRoW to provide attractive opportunities for informal recreation, and improving personal health and wellbeing. This could include links to the Wealden Cycle Trail, which would offer a cyclable link to Tunbridge Wells, and to neighbouring communities including Brenchley and Horsmonden.
- The County Council considers that NPPF paragraph 112b is not satisfied, as disabled/mobility-impaired access need is only acknowledged when proposing car parking needs. The applicant must therefore consider the wider needs of the disabled/mobility-impaired and revise its proposal accordingly.
- Specific comments are made below on various paragraphs within the Transport Assessment:

3.13: Footpaths and shared use (walking and cycling) paths are proposed to be provided within the site. The County Council will require to agree specifications for works affecting any PRoW, to include surfacing materials and future path width. On the latter, the County Council expects 3 metres width provision for footpaths and 5 metres width provision for shared use paths. Where PRoW as Public Footpaths are proposed to become shared use paths, the County Council will require their status uplifted to Public Bridleway (which can be achieved under the Highways Act 1980 Section 25). It will not be acceptable to introduce cycling on a permissive basis onto a Public Footpath as the standards for safe and convenient shared access are not able to be enforced. The applicant (or successor in title) could also unilaterally withdraw permissive rights, creating a significant issue for on-going management of the path(s). The County Council will require appropriate detail within a s106 Agreement.

3.15: This proposes setting back hedges and fences 0.5 metres from footways or cycleways. Where plantings are proposed adjacent to any PRoW, these must not be within 2 metres of the leading edge of any PRoW (increasing to 3 metres for trees) so as to minimise the likelihood of future damage to PRoW surfaces from roots.

3.21: This refers to improving WT263, but it is unclear from the Masterplan whether this lies within the site or not. If it lies outside of the site, it is unclear how the applicant proposes to deliver this. The proposal to link a 2.0 metres wide pedestrian-only path to a 3.0 metres wide bridleway (see comment above on widths) lacks consistency and will create future management issues. Additionally, it is unclear why cycle access could not be provided across P11.

3.22: The proposal to establish an off-road connection between WT262 and WT263 is welcomed. However, while this land is in the applicant's control, it is outside the application site boundary. The Local Planning Authority is recommended to secure this within a s106 Agreement prior to commencement of development. Should it be proposed to create this as a new Public Bridleway, which the County Council will require to consent to and could be achieved by agreement under the Highways Act 1980 Section 25, the applicant must note the County Council will require provision of 5 metres width, free of structures, and surfaced to a specification agreed with the County Council.

3.29: Any and all junctions/crossings of PRoW with proposed roads must be designed and delivered to the satisfaction of the County Council as Local Highway Authority. The County Council will expect the design to acknowledge priority for walking and cycling (in accordance with NPPF paragraph 112a), such as by providing crossings as raised tables and use of coloured surfacing.

3.31: This paragraph discusses the provision of walking and cycling links with Paddock Wood town centre. The County Council refers to comments made in respect of paragraph 3 which are also applicable here.

Appendix 3 - WT263 (Persimmon Land & Adjacent), bullet 2: This refers to the retention of an existing culvert. The applicant must confirm to the County Council which culvert is referred to and clarify whether it is now proposed to provide cycle access over the structure. It may be that the culvert needs to be improved to accommodate increased use.

In summary of the above, the County Council recognises and welcomes regard of the PRoW network and its users but does not consider the proposal goes far enough to satisfy the referenced NPPF paragraphs and the expected need that will be generated by the size of the development. It is suggested the applicant, the County Council and stakeholders will further understand the proposal if the applicant were to prepare an Access Improvement Plan. This should identify the existing provision, show in suitable detail the proposed future provision (including their differing status, such as PRoW and non-PRoW; their width; finished surfaces; all structures and limitations, for example, bridges and gates), and detail on how works would be funded including by whom and within what timescale. This would be particularly helpful to enable faster negotiation of any s106 Agreement.

In addition to comments made above, the County Council wishes to bring to the applicant's attention the following points:

- Any and all comments related to the existing and/or future road highway network, for example, regarding visibility splays must be sought from the Local Highway Authority. This also includes cycleways.
- The County Council expects all PRow to be provided as open access. There should not be any gate or other structure/barrier, unless otherwise agreed with the County Council.
- The County Council does not seek to adopt any proposed new paths as formal PRow other than specifically commented on within this response or as agreed in negotiation for the s106 Agreement.
- The proposal currently makes no provision for horse riding. Whilst the PRow within the site boundary and towards Paddock Wood town are all Public Footpaths, there is considerable horse ownership in the local area and, due to the disconnected local bridleway network, riders are required to use local roads when enjoying their access. The volume of road traffic will increase as a result of development, which will reduce riders' amenity and increase the likelihood of conflict accident or injury. This is therefore a consequence of development ([DEFRA PRow Circular 1/09](#), paragraph 7.2) and the applicant must mitigate this by offering new bridleway routes and improving existing local bridleways. The County Council is agreeable in principle for various existing Public Footpaths within the site to be uplifted to Public Bridleway by means of Highways Act 1980 Section 25 creation agreements, and external mitigation could be in the form of a financial contribution from the applicant. This will allow the County Council to improve the bridleway network outside the site boundary after negotiation with the relevant landowners.
- A PRow Management Plan including detail on management of PRow before, during and after construction must be prepared for approval by the County Council prior to the commencement of development. This should be conditioned if future permission is granted, and agreed and approved by the County Council prior to the commencement of any works. This Plan will be expected to ensure safe and convenient access on all PRow during works unless a Temporary Traffic Regulation Order (details can be found [here](#)) has been granted in advance of works. It should also include detail on the legal processes to be initiated for any PRow creations/diversions and their expected timescales.
- Given the need to secure a s106 Agreement between the applicant and the County Council, the submitted Draft Heads of Terms must be revised to recognise PRow and the County Council's role in respect of PRow.
- Standards will only increase over time, as will access demands, so provision should not limit/prevent future uplift, for example, consideration of the use of e-cycles.
- It must also be clarified whether a link is being provided for direct connection to existing sports pitches east of Mile Oak Road.

Conclusion (PRow)

The applicant must supply further information on the above points in order for the proposal to be appropriately considered by the County Council.

The County Council therefore submits a **holding objection** until further information is submitted on the above points. The County Council will then re-assess the proposal and provide further comment. If the Local Planning Authority is minded to determine the

application in the meantime, the County Council would request engagement in respect of PRow.

Development Investment

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and considers 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 Appendices 3a-3e).

Request Summary for 160 dwellings on Full Application

	Per Applicable ¹ House (x 122)	Per Applicable Flat (x 26)	Total	Project ²
Primary Education	£6,800.00 ³	£1,700.00	£873,800.00	Towards a new primary school as identified under application TW/23/00118/HYBRID, by Site Layout Plan STR/SS1 and Infrastructure Delivery Plan of the submission Local Plan.
Primary Land	£3,377.03	£844.26	£433,948.42	Towards land for the new primary school as identified under TW/23/00118/HYBRID.

¹ 'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. The County Council requires confirmation on whether the proposed 12 x 1 bed flats are below this threshold.

² Identified projects are in accordance with the Department of Education guidance on Securing Developer Contributions for education dated November 2019 (Paragraph 20), which recommends where required that a preferred and contingency school expansion project is identified in a planning obligation to enable local authorities to respond to changing circumstances and new information.

³ 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.

Secondary Education	£4,540.00	£1,135.00	£583,390.00	Contribution towards expansion of Mascalls Academy as identified in the applicant's planning statement, the Submission Local Plan and the Infrastructure Delivery Plan, or expansion of an alternative secondary school within the Tonbridge and Tunbridge Wells non-selective and West Kent selective planning groups.
Secondary Land	Provision of land at nil cost to the County Council to enable the required expansion of Mascalls Academy. Land must be provided in line with the County Council's General Land Transfer Requirements.			

Request Summary for 400 dwellings on Outline application
(assumes all dwelling are Houses for calculation purposes)

	Per Applicable House (x 400)	Per Applicable Flat	Totals (assumes all dwellings are Houses)	Project
Primary Education	£6,800.00	£1,700.00	£2,720,000.00	Towards a new 2FE primary school as identified in the applicant's Planning Statement and by Site Layout Plan STR/SS1 and Infrastructure Delivery Plan of the submission Local Plan.
Primary Land	£3,377.03	£844.26	£1,350,812.00	Towards land for the new primary school as identified under TW/23/00118/HYBRID.
Secondary Education	£4,540.00	£1,135.00	£1,816,000.00	Contribution towards expansion of Mascalls Academy as identified in the applicant's Planning Statement, the Submission Local Plan and the Infrastructure Delivery Plan, or expansion of an alternative secondary school within the Tonbridge and Tunbridge Wells non-selective and West Kent selective planning groups.
Secondary Land	Provision of land at nil cost to the County Council to enable the required expansion of Mascalls Academy. Land must be provided in line with the County Council's General Land Transfer Requirements.			

	Per Dwelling (x 560)	Total	Project
Cultural Hub	£437.21	£244,837.60	Towards Tunbridge Wells Cultural Hub - to accommodate increased demand for Libraries, Adult Learning and Social Care generated from this development.

Youth Service	£65.50	£36,680.00	Towards equipment and resources for local Youth Centres, including Outreach Services, serving the development.
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2).		
Waste	£183.67	£102,855.20	Towards Tunbridge Wells Waste Transfer Station and HWRC expansion.

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 in Appendices 3a-3e.

Primary Education

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

The proposal gives rise to 148 additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of school places at a new 2 form entry (FE) primary school on the neighbouring development site proposed at Land West of Queen Street (reference: TW/23/00118/HYBRID).

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

Build Contribution

The County Council requires a financial contribution towards construction of the new school at £6,800.00 per applicable⁴ house and £1,700.00 per applicable flat (Appendix 3b).

Land Contribution and County Council Land Transfer Terms

The County Council also requires proportionate contributions towards the primary school land acquisition cost at £3,377.03 per applicable house and £844.26 per applicable flat (Appendix 3b).

The site acquisition cost is based upon current local land prices and any s106 Agreement would include a refund clause should all or any of the contribution not be used or required.

⁴Applicable means: all dwellings except 1 bed of less than 56sqm GIA. The County Council requires confirmation on whether the 12 x 1 bed flats proposed are below this threshold.

The school site contribution will need to be reassessed immediately prior to the County Council 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 (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.

The County Council 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 2023-2027](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

Secondary School Provision

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

The proposal is projected to give rise to 106 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new (expansion) accommodation for the Mascalls Academy, or alternatively towards expansion of an alternative secondary school within the Tonbridge and Tunbridge Wells nonselective and West Kent selective planning groups.

Build Contribution

The County Council requires a financial contribution towards construction of the school expansion at £4,540.00 per applicable⁵ house and £1,135.00 per applicable flat.

Land Contribution

The County Council welcomes the applicant's inclusion of land for the expansion of Mascalls Academy within its development proposal. Detailed discussion with the County Council, as Local Education Authority, will be required regarding the land parcel size requirement. In due course, the County Council will request access to the proposed school site so that an initial site survey can be conducted. The secondary school land requirement should be transferred to the County Council in line with its General Land Transfer Requirements, which are appended to this request (Appendix 3c).

Please note, where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

⁵ Applicable means: all dwellings except 1 bed of less than 56sqm GIA. KCC requires confirmation on whether the 3 x 1 bed flats proposed are below this threshold.

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

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority must 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.

The County Council 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 2023-27](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

Tunbridge Wells Cultural Hub

This new development will generate new users for the County Council community services including Libraries, Social Care, and Community Learning. To mitigate the impact upon these services, contributions are required towards the new Tunbridge Wells Cultural Hub, which will make additional provision for all these services to accommodate the increased demand from new developments locally.

To accommodate the increased demand, the County Council requests £437.21 per dwelling towards the new Tunbridge Wells Cultural Hub providing space, stock, services and resources for the local area (Appendix 3d).

Youth Service

The County Council has a statutory duty to provide Youth Services under section 507B of the Education Act 1996. This requires the County Council, 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 County Council services, the County Council requests £65.50 per dwelling towards additional resources for the delivery of the Kent Youth Services including Outreach provision to serve the development.

Waste

The County Council is the statutory Waste Disposal Authority, responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs). 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 WTSs. Existing HWRCs and WTSs are now over capacity (as of 2020) and additional housing has a significant impact on the manageability of waste in Kent.

A proportionate contribution of £183.67 per dwelling is required towards a new WTS and an expanded HWRC to serve Tunbridge Wells residents to mitigate the impact from new housing growth, including this development (Appendix 3e).

In total, the development of up to 1,160 new dwellings proposed by these applications (references: 23/00118/HYBRID and 23/00086/HYBRID) will place significant demand upon the County Council. All residential waste arisings from the district are currently taken for bulking up at North Farm Waste Transfer Station, Tunbridge Wells. Capacity at this facility is limited and the County Council has therefore identified the need for additional capacity to be provided to accommodate future growth.

The Environmental Statement for both residential developments (references: 23/00118/HYBRID and 23/00086/HYBRID) scoped out Waste as a topic, stating:

“It is expected that the waste planning authority will have planned for significant growth in the area for waste generation and ensure the provision of adequate waste disposal options. As a result there should be limited impact on the capacity of waste facilities in the area of the Site as a result of waste generated by the Proposed Development.”

Whilst planning for future waste infrastructure relies on the County Council as Minerals and Waste Planning Authority, the new Tunbridge Wells Local Plan which identifies growth in this area has not been adopted. Therefore, the demand that will be created by the developments has not been fully accounted for/is not currently able to be accommodated.

As set out in the Developer Contributions Guide, the County Council will consequently be including a request for a financial contribution from these developments towards the identified project to create more WTS and HWRC capacity.

Implementation

The County Council considers 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. The County Council would be grateful if a draft copy of any s106 agreement or Unilateral Undertaking could be shared at the earliest convenience, prior to its finalisation.

The County Council requests confirmation on when this application will be considered and that a draft copy of the Committee report is provided 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 the County Council 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.

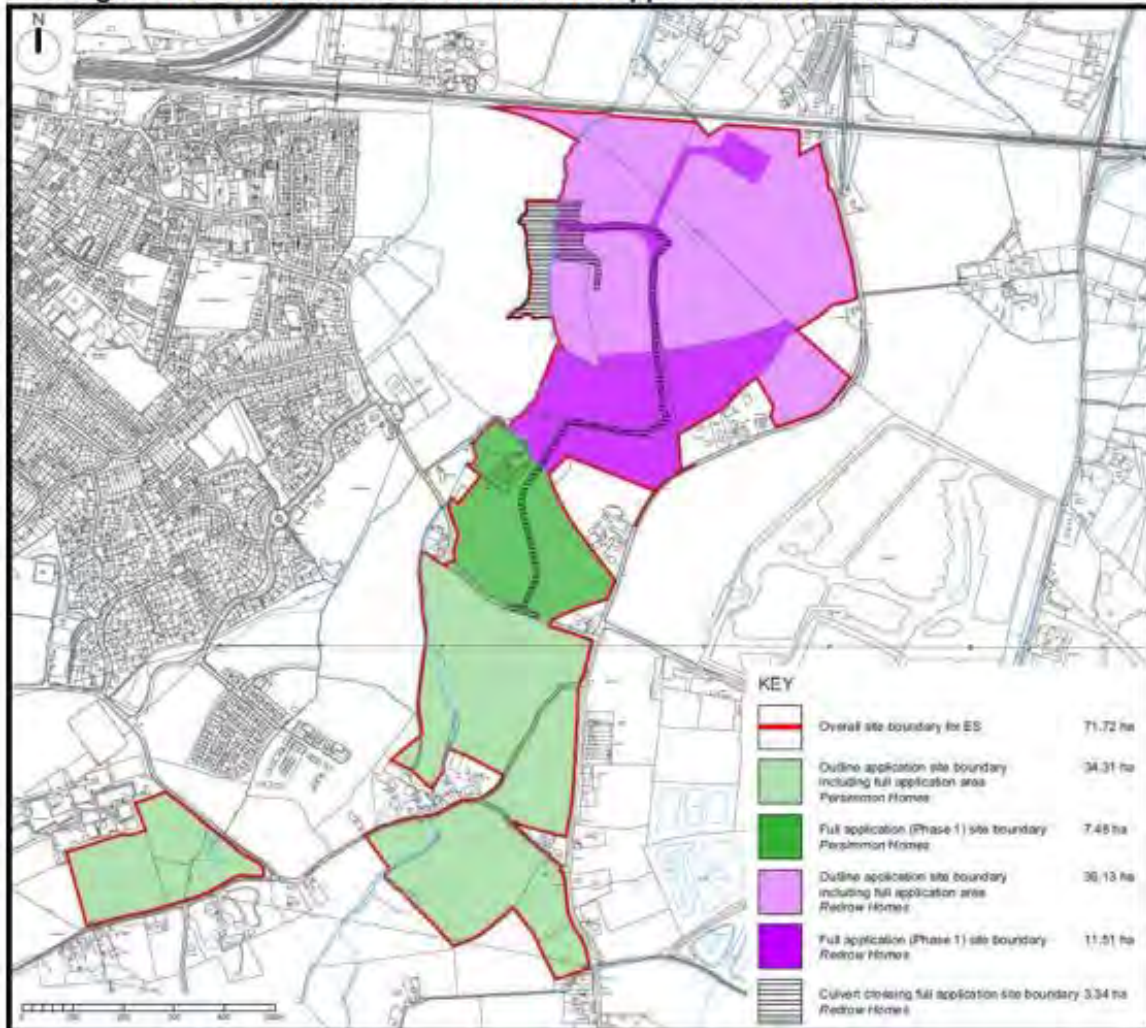
Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, can confirm that the application site is not within 250 metres of any safeguarded mineral or waste facility, and therefore would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted [Kent Minerals and Waste Local Plan \(2013-30\)](#) (KMWLP).

While the area of the application site is not significantly coincident with land-won safeguarded minerals, there are two land-won safeguarded minerals that are slightly coincident and in the general proximity of the application site area. These are the Sub-Alluvial River Terrace deposits on the application site's immediate western boundary, and the Tunbridge Wells Sand Formation (Sandstone) that is slightly coincident with part of the application site, in the south. This is shown below in an extract from the application's Planning Statement and the Mineral Safeguarding Area of the Tunbridge Wells Borough Proposals Map of the KMWLP:



Extract of the Site Boundary from the Application's Planning Statement

JAA Figure 2.1 – The Redrow and Persimmon Application Site Boundaries



Mineral Safeguarding Area of the Tunbridge Wells Borough Proposals Map of the KMWLP



-  Sub - Alluvial River Terrace Deposits
-  Sandstone - Tunbridge Wells Sand Formation

The submitted Planning Statement does address land-won mineral safeguarding in relation to the Sub-Alluvial River Terrace deposits, but not the Tunbridge Wells Sand Formation (Sandstone). The applicant argues that exemption criteria 2 and 5 of Policy DM 7: Safeguarding Mineral Resources can be invoked, although only one criterion is required to gain an exemption from the presumption to safeguard, as set out in Policy CSM 5: Land-won Mineral Safeguarding of the KMWLP.

Of the arguments to satisfy the criteria, the applicant states for criterion 2:

“2. that extraction of the mineral would not be viable or practicable; or

We further note that in terms of geographical distribution, the Alluvial River Terrace Deposits identified on the current Tunbridge Wells Borough Mineral Safeguarding Area Plan are relatively widespread across the Borough, and indeed the rest of Kent, where deposits are found in much larger catchments along the main rivers than they are along this relatively thin strip that runs along the bed of the East Rhoden Stream.”

While it is clear that the deposit is a 'thin' ribbon deposit and unlikely to be economically viable to prior extraction, this has not been proved by the applicant. However, the proposed development identifies the area that is coincident and proximate as green open space. Therefore, it could be argued that the mineral is not being directly sterilised, however, any future extraction would be unlikely to be acceptable if it became in close proximity to the future communities occupying this development.

Criterion 5 of the KMWLP states:

“5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or”

And the applicant's arguments to meet this criterion are:

“6.23.9 In addition to satisfying criterion 2 [sic] of policy DM7, as set out in this statement the proposed development provides for significant social, economic, and environmental benefits, including the delivery of new housing in an area of significant need which also comprises 40% affordable housing, a matter that should be afforded significant weight. These material considerations should, we believe, override the protection of the mineral resources effected, especially considering the limited extent of the resource there is on this site.

6.23.10 In the context of the above prior extraction is not, given the comments above, practical given the location of the mineral resources and the impact its extract would have on the surrounding landscape, ecological and heritage features, let along the amenity of adjacent residents.”

Whilst paragraph 6.23.9 is an arguable matter, the County Council considers the argument in paragraph 6.23.10 to be more compelling, which relates to when a prior extraction can potentially take place as being a viable mineral extraction operation. As the applicant has not proven that a viable mineral deposit prior extraction operation is not possible, the presumption to safeguard remains effective. However, this would have an unacceptable impact on the environment and communities in the location. Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development, is therefore required to be satisfied.

To conclude, even if a viable mineral deposit prior extraction operation were to be undertaken, it would likely not meet the test of being in accordance with Policy DM 9 of the KMWLP. This is particularly given that field hedgerows/woodland are coincident with this mineral deposit and the close proximity of development that is occurring to the immediate west of the application site that may be occupied by the time that any prior extraction could take place.

The Planning Statement does not refer to the Tunbridge Wells Sand Formation (Sandstone). Although this is an omission, only a small amount of this mineral (a building stone resource) is threatened with sterilisation and, given the lack of any recent demand for this material in Kent and the extensive nature of this massive geological unit over much of the borough area, the County Council considers that criterion (2) of Policy DM 7 would apply. Any further

Mineral Assessment submissions to address this omission are therefore not required for this mineral.

The County Council, as Minerals and Waste Planning Authority, has no land-won safeguarded minerals or waste management capacity safeguarding objections regarding this proposal.

Heritage Conservation

In summary, the proposed developments are supported by a very good assessment of the historic environment but there is insufficient proposed mitigation for non-designated heritage assets. Further consideration of suitable mitigation measures is therefore needed prior to determination of the applications to ensure there is not an unacceptable negative impact on the historic environment. There is also a need to consider additional fieldwork assessment prior to determination of the applications to clarify the presence/absence of significant archaeology.

The proposed developments are located within an area which has multi-period archaeological potential, ranging from Palaeolithic remains through to WWII or Cold War structures. There are no designated heritage assets within the application sites, however, there are designated buildings adjacent and their settings could be impacted. The proposed development sites contain known non-designated heritage assets including the 19^h/20th century Hop Pickers Line and a possible Medieval moat complex. Further archaeology is identified within the site through recent assessment and there is potential for as yet unknown archaeology to survive.

Based on current information, the proposed development sites lie within the wide valley of the River Medway and a significant stream, East Rhoden Stream, runs down the west side. The proximity of River Terrace Gravels and the presence of Alluvium within the site means there is potential for Palaeolithic and Prehistoric remains. Prehistoric activity in this Wealden area of Kent is not well understood but it is assumed thick woodland predominated with routeways criss-crossing through the land, especially close to water channels. There is some recent evidence of Mesolithic activity sites and woodland plants and animals and water are key resources needed. Iron Age and Romano-British utilisation of the resources including timber, iron-working and woodland management probably took place, with more established routeways connecting isolated small holdings, settlements and industrial sites. The geophysical survey may have identified a Bronze or Iron Age settlement within the Redrow development site.

There may be isolated small holdings of Early Medieval origin within this general area but even during the Medieval Period it is likely there were just single farms and small holdings with surrounding "assarts" and woodland clearance for farming. Moat Plats on the Persimmon development is considered to be a Medieval moated complex, possibly of manorial high status, located on, and utilising, the natural stream on the western side. This moated complex would have been served by a variety of routeways and would have had control over some of the surrounding land. Some of the field boundaries and routeways evident now may be directly related to this Medieval site.

The development sites are both bordered by a variety of Post Medieval farms and small holdings. Their immediate and wider landscape settings survive in places but the origin and multi-period and multi-functions of each building is not necessarily clear at this stage. There are some additional buildings identifiable on the Tithe Maps which may survive within the application sites below ground. As such, there is a network of multi-period and multi-functional buildings, routeways, fields and land use reflecting Medieval, Post Medieval and Early 20th century horticulture, farming and industry; all components of the archaeological landscape of this area of Kent. Nearby are later Post Medieval industrial sites, such as the brickworks and brick kilns south of Chantler's Hill to the south.

Of considerable importance is the Hop Pickers Line which crosses the Redrow development site to the north. This railway was a specifically built branch line leading off the main railway to take seasonal workers to the hop fields across the countryside towards Hawkhurst. It was built around the 1890s and dismantled in the 1960s and reflects the special horticultural heritage of this area of Kent. Although much of the fabric of the line seems to no longer survive, it is still an archaeological landscape feature. Some associated structures and parts of the line survive and it is still reflected in the field boundaries. This is a unique heritage asset, is particularly part of Paddock Wood's heritage and links the area to other parishes of Kent through to Hawkhurst. There is a report on the line commissioned by Tunbridge Wells Borough Council which needs to be a guiding reference for the proposed development schemes. [Paddock Wood to Hawkhurst Branch Line - Historic Environment Desk Based Assessment.](#)

Although there are a few recorded crash sites nearby, there is little Historic Environment Record (HER) data on 20th century military and civil defence archaeology within or adjacent to the development scheme. However, the lack of data does not necessarily mean there are no 20th century military or civil defence structures within the site.

In summary, the proposed development sites do have known important heritage assets on the sites and also nearby. There is therefore potential for significant archaeology below the current surface. Moat Plats medieval site and the 19th century Hop Pickers Line are of particular importance but there is potential for little known prehistoric occupation sites.

With regard to the applicant's assessment of the historic environment, the assessment by the archaeological consultant RPS is supported. The County Council welcomes the Archaeological Desk Based Assessment (DBA) with the Geophysical Survey report, the Built Environment Statement and in particular the Historic Landscape Assessment and has provided comments on these documents below.

Archaeological DBA (Persimmon development site)

Although this DBA is reasonable, the County Council would welcome additional assessment of the Early Prehistoric potential and the implications of the Alluvium and stream along the west side of the site. The County Council would also welcome additional assessment of the moated complex, Moat Plats, and its character and origin, including assessment of its relationship to the stream and to The Cottages, Mascell's Court. There is insufficient

assessment of Moat Plats' "setting" and possible associated archaeological landscape features within the development sites. More documentary research would be useful because there is a need to understand this heritage asset to ensure suitable consideration in terms of mitigation and opportunities. There also needs to be additional assessment of the Chantlers Hill brickworks and brick kiln sites identifiable on the HER and early Ordnance Survey maps. This DBA should also have considered the "lost buildings" including the one south of Elm Tree, Station Road identifiable on the Tithe Map only.

Geophysical Survey

The County Council welcomes this pre-determination fieldwork but notes that only about half the development scheme area was covered. The survey did locate anomalies and potential archaeology, particularly in the Redrow site on the western side, which may be evidence of a prehistoric settlement. There is a need to test the anomalies through trenching to understand the nature and significance of archaeology.

Built Environment Assessments (Redrow and Persimmon developments)

The County Council considers that the assessment is reasonable but there is a focus on the historic farms as isolated buildings without considering their place within the wider landscape, particularly the field system and routeways. This is needed to ensure appropriate understanding of the origins, multi-functional historic use and relationship to the immediate surroundings. The assessment of the Hop Pickers Line is disappointingly brief and emphasises negative elements. For example, contrary to paragraph 4.3, the line is still a noticeable landscape line and there are known remnants, such as surviving track to the west end, with high potential for as yet unidentified structural remnants. This is a significant linear archaeological landscape feature and needs to be assessed in detail, particularly the north western end of the line where known structural remains survive within the woodland.

Historic Landscape Assessment (Redrow and Persimmon Developments)

The County Council welcomes this assessment, however, the consideration of the East Rhoden Stream along the western boundary is insufficient. This water channel is still active, flowing south to north but its longevity is represented in the extent of Alluvium. It could very easily have been a focus for prehistoric and later settlement and activity. A more robust description of the geology and topography would be useful in order to provide a sound assessment of the palaeo-landscape and suggest the potential origins of field boundaries and routeways, both visible ones and those that are lost. The background account 1.3 is not entirely applicable to the Weald. There is no evidence to date of prehistoric or Roman woodland clearance in this area and it seems more likely that this area was fairly dense woodland until the later Medieval and Post Medieval Periods with occasional isolated communities and industrial sites linked through occasional routeways. There is growing evidence of sporadic or seasonable Mesolithic communities through the Weald with activity, such as iron-working, gradually increasing during the Iron Age period. If there is a prehistoric settlement on the application site, evidence of its landscape context could be very important. In addition, Moat Plats is located and fed by the East Rhoden Stream but it is not clear if the stream has been diverted to fill the moat ditch or whether the moated site was integrated into

the natural channel. It is therefore important to understand the nature of the East Rhoden Stream and its valley.

The specialist reports mentioned above are generally supported but there is a slight lack of consistency between the reports. The County Council suggests an integrated approach to heritage provides greater depth and robustness, placing prehistoric archaeology in its palaeo-landscape; ensuring the origins and reasons for industrial sites and sites involving water are considered; understanding the land around farm complexes, not just the buildings themselves; understanding the reason for routeways and field boundaries.

The comprehensive assessment of heritage is not well reflected in the Planning Statement nor in the Design and Access Statement although there is some welcomed consideration. The County Council does not consider the proposed mitigation for archaeology to be sufficient or appropriate. For example, it may be that buried archaeology can be addressed through a programme of investigation leading to preservation in situ and/or preservation by record, but “*evaluation*”, as mentioned in Planning Statement paragraph 6.14.6, is not detailed mitigation but part of a process to determine presence/absence. Detailed mitigation for buried archaeology is more complex and needs to be fully informed and appropriate.

The Redrow development site may contain a prehistoric settlement at least, based on current information. This may be of considerable significance given the rarity of known prehistoric settlements in this part of the Weald. It should not be assumed that preservation by record is sufficient mitigation (Planning Statement paragraph 6.14.11). Further fieldwork to “*ground truth*” the geophysical survey results needs to be considered before the Masterplan is finalised.

The County Council notes the proposals for “*positive heritage measures*” for preservation of the medieval moat and the Hop Pickers Line. However, the proposed mitigation for the currently known and visible heritage assets of Moat Plats and the Hop Pickers Line is not sympathetic and is detrimental to their significance. For example, the Planning Statement on Archaeology within the Persimmon development site suggests the impact on the alteration of the setting of the medieval moated site is “*considered to be low*”. This is not the case because the moated site shown in the Masterplan is left as an isolated block of land with no connections to the active stream, an essential part of its significance, or the surrounding land with the proposed road system acting as a division. The Masterplan of the Persimmon development site does not seem to reflect the historic landscape, particularly the 19^h century field boundaries. In contrast, the Bus Link Application area within the Redrow development site does seem to reflect 19^h century field system, which is welcomed.

The Planning Statement suggests the proposed development represents “*an enhancement*” of the Hop Pickers Line heritage asset, however, the County Council does not agree with this. The Masterplan suggests the Hop Pickers Line will be retained as a narrow strip of land hosting a footpath. Soft natural landscaping with a footpath does not reflect a railway line. The branch railway line would have been fairly wide and a combination of metal and wood with hard foundation. To provide genuine positive enhancement of this heritage asset, more suitable measures should be considered including, for example, a hard or gravelled surface

wide enough to host a railway track with identification, protection and conservation measures for surviving remains, especially towards the North West end.

In summary, these hybrid largescale proposed developments could have a major impact on the historic environment, particularly on the heritage assets of Moat Plats and the Hop Pickers Line. The heritage assessment is good and the County Council particularly welcomes the Historic Landscape Assessment and the geophysical survey. However, the consideration of heritage in the Planning Statement, the Design and Access Statement and in the proposed Masterplan is not sufficient or appropriate.

The County Council recommends that, prior to determination of these applications, there should be additional assessment of Moat Plats and the Hop Pickers Line with more appropriate mitigation proposed and this should be reflected in the Masterplan. In view of the geophysical survey results, the County Council also recommends that further fieldwork assessment is undertaken to clarify the presence/absence of significant archaeology.

As part of this largescale, strategic scheme, the County Council would welcome more details on suitable positive heritage mitigation measures with more sympathetic and appropriate treatment of Moat Plats and Hop Pickers Line. Some of these measures could be included within a s106 Agreement and be part of a Heritage Interpretation and Management Framework.

Once the additional pre-determination assessment works have been undertaken, it may be that archaeological concerns can be addressed through a range of conditions and part of a s106 Agreement.

The County Council therefore places a **holding objection** on the application until further information is submitted in respect of heritage conservation.

Sustainable Urban Drainage Systems (SuDS)

The County Council as Lead Local Flood Authority provided the following commentary direct to the Borough Council on 24 February 2023 (Appendix 4).

Biodiversity

The County Council has reviewed the application documents and notes that a whole suite of ecological information has been submitted, including:

- Species surveys
- Ecological mitigation strategies
- Ecological Management Plan

The County Council would therefore anticipate that the submitted information will provide an understanding of the ecological impact of the proposed development. However, it is advised that Tunbridge Wells Borough Council must be satisfied that that the information is sufficient

and appropriate to ensure that policy and legislation can be considered when determining the application.

Where habitat creation has been proposed as part of the ecological mitigation or enhancements, the County Council recommends that the landscaping/parameter plans must demonstrate that it can be implemented.

The County Council also highlights the need to ensure that the proposed management for the open spaces is appropriate and can be implemented in the long term.

Sport and Recreation

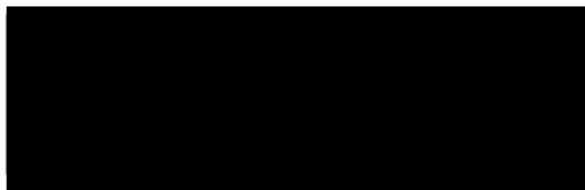
The County Council is concerned with the lack of provision for sport and physical activity and would welcome a conversation with the applicant on its plans for open space and the provision of the local centre, to ensure that the sport and physical activity needs of the local community are met.

Active Kent and Medway may have access to funding to support this increased provision and any additional facilities which may need to be considered as part of these applications.

The County Council will continue to work closely with Tunbridge Wells 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 Tunbridge Wells 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,



Stephanie Holt-Castle
Director for Growth and Communities

Enc.
Appendix 1: LHA response provided direct on 13.03.2023
Appendix 2: Extract of the Network Map
Appendix 3a: Education Assessment
Appendix 3b: New School Build and Land Costs
Appendix 3c: Kent County Council General Transfer Terms
Appendix 3d: Communities Assessment
Appendix 3e: Waste Assessment



Highways and Transportation

Kroner House

Eurogate Business Park

Ashford

TN24 8XU

Tel: 03000 418181

Date: 10 March 2023

Our Ref: LRG/LHG/AJC/1

Alessandra Sartori - GT GC
<Alessandra.Sartori@kent.gov.uk>

Application - TW/23/00086/HYBRID

**Location - Land West Of Mile Oak Road, Paddock Wood,
Tonbridge, Kent, TN12 6NP**

Proposal - HYBRID Application: Full Application for erection of 160 homes. Outline Application (appearance, landscaping, layout and scale reserved) for the erection of up to 400 additional homes, inclusive of associated infrastructure including land for specialist accommodation for the elderly, land for secondary school expansion, a local centre, play areas, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space and associated works

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

1. Introduction

1..1 A joint Transport Assessment (TA) has been submitted for the following applications:

1. 'The Redrow Development' - Full planning application for erection of 170 homes and Waste Water Treatment Works together with temporary construction / haul road off Queen Street to enable the delivery of the Waste Water Treatment Works and up to 150 of the 170 dwellings; and outline planning application (appearance, landscaping, layout and scale reserved) for the erection of up to 430 additional homes, inclusive of associated infrastructure including land for a new primary school, play areas, allotments, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space and associated works
2. 'The Persimmon Development' - Full planning application for erection of 160 homes and outline planning application (appearance, landscaping, layout and scale reserved) for the erection of up to 400 additional homes, inclusive of associated infrastructure including land for specialist accommodation for the elderly, expansion of the secondary school, a local centre, play areas, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space and associated works

3. 'The Bus Link Application' - Full planning application for construction of bus, pedestrian, and cycle link between the land at Church Farm and land at Knells Farm, together with associated works.

The Transport Assessment assesses the cumulative impacts of the developments and this had been reviewed and the following comments are provided:.

2. Submission Local Plan

- 2..1 The sites sit in the Eastern Parcel of the Masterplan Areas for STR/SS 1 Paddock Wood and East Capel Strategic Policy of the Submission Local Plan.

3. The Redrow Development - 23/00118/HYBRID

- 3..1 The Redrow Development forms the northern part of the Masterplan for the current applications and sits east of the Church Farm Development.
- 3..2 For the outline application area of 430 homes, matters of appearance, landscaping, layout and scale are reserved except means of access.
- 3..3 The area of the full application for 170 homes is located at the southernmost section of The Redrow Development and forms Phase 1 (full application) of the Redrow Development – 'RP1'. As shown on the Phase 1 - Site Layout Plan, the site access to RP1 is taken from The Persimmon Development, via an in-site 'Boulevard'.
- 3..4 The full application also includes the delivery of the Waste Water Treatment Works, located at the northern terminus of the Boulevard.
- 3..5 The remaining 430 homes that form the outline element of the Redrow application are also to be accessed through the Persimmon Development, via the main Boulevard.

Access Strategy within site

- 3..6 A Highway Design Code had been developed for both the Redrow and the Persimmon sites, pre-application with consultation with the KCC agreements team. This outlined the requirements and typical features for each type of road hierarchy:
 - The 'Boulevard' is the Primary Route within site and is proposed to be adopted:
 - 30mph maximum speed (20mph in vicinity of schools/play areas)
 - 6.75m carriageway width
 - Two-way cycleway of 3m width. Segregation of 2m verge from carriageway provided.

- o Footway on each side of 2m width
 - o Maximum distance between speed constraints – 150m
- Secondary Routes ‘Streets’ are proposed within site and link to and from the Boulevard.
 - o 20mph maximum speed
 - o 5.5m carriageway width (if non-bus route)
 - o Cycles to utilise carriageway
 - o Footway on both sides
 - o Direct access frontage
 - o Maximum distance between speed constraints – 100m
- Tertiary routes ‘Lanes’
 - o 20mph maximum speed
 - o 4.8m carriageway width
 - o Cycles to utilise carriageway
 - o Footway on at least one side of 2m width
 - o Direct access frontage
 - o Maximum distance between speed constraints – 60m
- Shared surfaces
 - o 10mph maximum speed
 - o Maximum distance between speed constraints – 40m

3..7 The site plan drawing 09268-FPCR-N1-XX-DR-A-0001, shows 2m wide footways and a segregated 3m cycleway (two-way) set-back at least 2m from the primary Boulevard route. This in accordance with the above principles. A road safety audit (RSA1) is required of the proposed set-back cycle priority over the side roads.

3..8 Where there is a shared surface area in site, a 1m verge service strip needs to be provided. In addition, any of the shared surface of 4.1m or less is not suitable for a HGV or an 11.4m refuse vehicle.

3..9 The refuse servicing and delivery strategy for the full application site is required, identifying proposed collection locations and with tracking of these vehicles across the site in accordance to the intended routing. Additionally swept paths are required to evidence tracking and turning of refuse, delivery and emergency vehicles. It is noted that plans 19216-TK01, 02, 03 & 04 are missing from submission, please arrange for these to be provided.

- 3..10 The TA further states “in general, the maximum desirable longitudinal gradient on the footway / cycleway network, including Greenways, within the site will be 2.0% (1:50). Where natural changes in level are unavoidable, short sections of no less than 30m in length may be constructed at 5.0% (1:20). Where these exist, flat platforms of at least 5.0m in length will be provided.” This would meet design requirements for the mobility impaired as per Kent Design Guide. Confirmation is needed that the footways within site are to be DDA compliant.
- 3..11 It is also noted that “the principal access corridors for pedestrians and cyclists will be lit” and consultation should take place with the KCC Street Lighting team and this can be done through the Outline Technical Review process:
<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>
- 3..12 Raised tables on the Boulevard have been incorporated to the full application Site Layout Plan. These have been provided within the appropriate maximum distance between speed constraints. At this site, it is further noted that there is a bend in the alignment of the Boulevard. The forward visibility at this bend in each direction needs to be provided.
- 3..13 The Site Layout Plan shows a significant number of dwellings with direct access to the primary distributor route, with a number of those being tandem parking. This will lead to parking and turning along the distributor road, interfering with the passage of the buses. It is recommended that the number of properties with direct accesses kept to a minimum.
- 3..14 Where trees are proposed along the distributor route evidence of visibility splays from the accesses are required. In addition, the TA states “Inter-visibility splays of 2m x 2m will be provided at crossovers, path junctions to maintain pedestrian safety” – These pedestrian visibility splays need to be provided at all vehicular accesses and maintained to 0.6m in height.
- 3..15 The Waste Water Treatment Works is to be located at the northern terminus of the Boulevard. Please confirm the largest vehicle requiring access to this facility and provide tracking showing the vehicle is able to access the site, turn and leave in a forward gear.

The development to the north of the proposed Church Road access is to serve a total of 760 homes plus a Waste Water Treatment Works and a primary school. Kent Design Guide requires a second access for this scale of development.

- 3..16 The layout of the full application sites will be subject to consultation with KCC Agreement’s team and this can be done through the Outline Technical Review process:
<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Visibility Splays

- 3..17 For junctions within the full application sites, The TA notes – “the local street network is designed to incorporate natural speed attenuation based on a target maximum speed of 20mph on the Boulevard and 15mph on side roads.”
- 3..18 The visibility splays from the side roads off the main Boulevard have been provided on the Phase 1 Site Layout drawings. Despite the drawn splays corresponding to a 20mph design speed, it is noted that the Highway Design Code outlined in Appendix 9 sets out aspirations for the Boulevard to have a maximum speed of 30mph. The TA also sets out for the Boulevard to have a design speed of 30mph. Therefore, this discrepancy in information needs to be confirmed such that the visibility splays in the full application site can be fully assessed.
- 3..19 The developer should ensure that there is adequate traffic calming or road alignment considered to limit speeds to the design speed.

4. The Persimmon Development - 23/00086/HYBRID

- 4..1 The Persimmon Development forms the southern part of the Masterplan for the current applications and sits east of the Mascalls Court Farm Development.

Church Road Vehicular Access – Phase 1

- 4..2 The area of the full application for 160 homes on the Persimmon site, Phase 1 (PP1), is located to the north of Church Road with access proposed via a new priority junction with right turn lane as shown on Drawing Number 19216-GA-00 .and outlined in figure 5 of the TA. A RSA1 is required, tracking and submission through the KCC Outline Technical Review process.
- 4..3 During Phase 1 this junction would serve the full application parts of both developments (160 homes + 170 homes) and the Waste Water Treatment Works. In line with Kent Design development over 300 homes require a second access and this should be addressed.
- 4..4 Visibility Splays at the new junction onto Church Road from the Phase 1 development are shown on Drawing Number 19216-GA-00 comprising of 2.4m x 78m to the west and 2.4m x 79m to the east. For the measured 85th %ile speed of traffic at this location, these splays are appropriate, however, the drawing does need a scale bar so that the dimensions can be fully checked.

Church Road Vehicular Access – Full Development

- 4..5 For full development of both the Redrow and Persimmon sites, the access arrangement from Church Road is proposed to be formed as a staggered crossroad as shown on Drawing number 19216-GA-003. This is outlined in figure 6 of the TA. Tracking diagrams, RSA1, visibility splays based on the 85%ile dry weather speeds and calculated using MfS and submission through the KCC Outline Technical Review process.
- 4..6 It is noted from the TA – *“for the buildout of the detailed elements of the planning application proposals, the junction onto Church Road will be first formed with its northern arm only, with the ability for the junction to be adapted to serve the wider development when it is brought forward.”*
- 4..7 Paras 3.52 and 3.53 of the TA indicate proposals to extend the 30mph speed limit past the new junction on Church Road and drawings are required of the extent of the speed limit with signing, road marking and gateway features shown.
- 4..8 Access to the outline elements of the Persimmon site is to be taken from the south side of Church Road with a distributor road connecting with Mascalls Court Road. The Design and Access Statement notes – *“Vehicular access around the site includes a main north/south boulevard through the site providing access to secondary roads. The boulevard will support bus movement and be provided with tree-planted verges to segregate pedestrian and cycle infrastructure.”* Para 3.69 indicates the distributor road to the development sites south of Church Road is to be 5.5m wide and this is not sufficient for a bus route which requires a width of 6.75m.
- 4..9 To the south of Church Road the distributor road serves 175 homes and also links to Mascalls Court Road from which a further new access is also proposed to serve 70 homes and a separate emergency access is required. Access to parcel PP4 is proposed via Mascalls Court Lane and this would serve 156 homes which would also require a separate emergency access.
- 4..10 Drawing numbers 19216-TK01 Phase 1 Site Access Swept Path Analysis, 19216-TK02 Full Development Site Access Swept Path Analysis (Refuse Vehicle), 19216-TK03 Full Development Site Access Swept Path Analysis (Bus), 19216-TK04 Bus Crossing Swept Path Analysis are listed in the contents page as being included in the plans but are missing. Please could these be provided along with 19216-GA-07 and 19216-GA-01-07 for highway general arrangement which are referred to but not included with the plans or the appendices.
- 4..11 An extension to the secondary school is shown and further detail of access arrangements is required.

4..12 Visibility Splays at the site accesses from Church Road for both the Phase 1 layout, and the staggered crossroads layout for the full development, require visibility splays based on the 85%ile dry weather speeds and calculated using MfS.

Southern Section – Points of Access

4..13 Drawings are provided showing the proposed junction layouts for the full development site and the realignment of Mascalls Court Farm. Comments are as follows:

- Junction 1. Drawing Number 19216/GA/02B shows the junction of the proposed new distributor road with Mascalls Court Road and proposes a priority junction with priority given to the new distributor road. Tracking diagrams and a RSA1 are required. Visibility splays should be based on the 85%ile dry weather speeds along Mascalls Court Road. The proposed junction provides no deflection for vehicles travelling ahead from Mascalls Court Road and may lead to collisions due to failure to give way. Where the pedestrian and cycle crossing is proposed on Mascalls Court Road, visibility splays should be shown reflecting the stopping distance for the 85%ile speed of traffic.
- Junction 2. A width of 6.75m is required to allow for a bus service. A development of c. 100 homes requires a separate emergency access.
- Junction 3. Drawing number 19216/GA/01B shows a change of priority at the junction of Mascalls Court Road/Mascalls Court Lane together with a realignment of the carriageway. Visibility splays, tracking and RSA1 are required for this drawing and also submission through the outline technical review process. The proposals for the realignment of Mascalls Court Road will include a stopping up Order of the existing highway and the applicant will be required to process this through the Town and Country Planning Act.
- Junction 4. A new junction is proposed from Mascalls Court Lane to serve c 150 homes. Visibility splays should be informed by speed surveys in accordance with CA185. Again, tracking and RSA1 are needed together with an emergency access.
- Junction 5. A new junction to serve existing properties from the realigned Mascalls Court Road. The access should be widened at its junction with Mascalls Court Road to allow a vehicle to enter the access when another is leaving. Visibility splays should be informed by speed surveys in accordance with CA185. Again, tracking and RSA1 are required. Please clarify whether this access replaces the existing access to Mascalls Court Farm and if it is to include access to the farm. The access should be designed to accommodate the largest vehicle requiring access and turning provision suitable for the refuse vehicle as a minimum.

- Junction 6. A new junction is proposed from Mascalls Court Road to serve 32 homes. Visibility splays should be informed by speed surveys in accordance with CA185. Again, tracking and RSA1 are required.

4..14 Additional plans are also needed showing tracking and visibility splays for the junctions of:

- o Church Road/Queen Street
- o Mile Oak Road/Mascalls Court Road
- o Mile Oak Road/Mascalls Court Lane
- o Chantlers Hill with the B2160
- o All other locations identified on the Masterplan with 'C' Proposed Vehicle Access Points

Access Strategy within site

4..15 The site layout for the Persimmon full application site is provided on Drawing Number 09268-FPCR-N1-XX-DR-A-0001. The design principles are the same as for the Redrow site and include 2m wide footways and a segregated 3m cycleway (two-way) set-back at least 2m from the primary Boulevard route. A road safety audit is required of the proposed set-back cycle priority over the side roads. The comments made regarding the Redrow site layout also apply to the Persimmon site layout.

Connections to and from outside of development sites

4..16 Further detail is required to demonstrate the connectivity of the footways and cycleways between the sites to the Town Centre, schools and train station. Additionally, in consultation with the KCC PRoW tea, further detail on how the PRoWs link safely with existing routes and where improvements can be made to allow use by cyclists.

5. Temporary Construction Access from Queen Street

5..1 The construction access to phase 1 is proposed via Queen Street. A width of 5m is proposed and this is insufficient for 2 HGV's to pass which could lead to vehicles waiting on Queen Street to manoeuvre into the site access. Additionally, the width of Queen Street is insufficient for 2 HGVs to pass and this is apparent from the swept path diagrams shown on Drawing number 19216/CA/01. The arrangements for the construction traffic should be amended to allow for vehicles to pass safely at the site access and along the construction route. Further details of the construction phases are required including the route to be taken by construction vehicles towards the strategic road network, the number of traffic movements generated, the duration of the construction period for each phase and this information included in a Construction Management Plan.

5.2 Visibility from the proposed construction access onto Queen Street is also shown on drawing number 19216/CA/01 comprising of 2.4m x 83m to the left and 2.4m x 87m to the right which is appropriate for the measured speed of traffic at this location. However, the drawing does need a scale bar so that the dimensions can be fully checked.

6. Parking in Full Development Sites

6.1 The parking layout is shown on the Phase 1 Site Layouts for each respective application. This shows how parking is allocated and to which dwelling. My commentary is as follows:

- Parking allocations for all 1-bed and 2-bed plots meet requirements.
- For 3-bed units. Kent Design Guide requires a minimum of 1.5 vehicle parking spaces with the allocation of one space per unit possible. Where just 1 space is allocated to a 3-bed unit, there is an additional visitor (unallocated) space that can be shared by two 3-bed units. There is sufficient parking provision located nearby for all 3-bed units.
- A significant number of 4-bed units have tandem parking spaces, or tandem spaces plus a garage. KCC does not include garages in total provision. Furthermore, tandem parking spaces are not attractive to residents and are often underutilised. Kent Design Guide requires a minimum of 2 independently accessible spaces per 4-bedroom unit. Alternative arrangements should be considered to avoid indiscriminate parking. Please note the conversion of the garage to a car barn or car port will not be acceptable in this scenario when sited behind the tandem spaces, or form a tandem parking arrangement.
- KCC's emerging parking standards recommend an additional 'off plot' space for four-bedroom units. I would like to request identification of additional off-plot parking spaces for all four-bedroom units with tandem parking and garages. These could be additional unallocated visitors' spaces. (This is in addition to the 0.2 spaces per unit across each development)
- The Redrow Site:
 - Plot 19 has 0 car parking spaces allocated to it
 - The parking to plot 41 is annotated as plot 43, which is assumed to be an error but please can this be clarified.
 - Regarding the concern raised previously in relation to 4-bed units without 2 independently accessible spaces – when considering the site plan and layout of visitor spaces, 4-bed unit plots 5, 45, 58, 59, 100, 132 and 133 do not have visitor spaces nearby
- The Persimmon Site:
 - on plot 93, the car barn is annotated as '92'. Can it be clarified as to whether this should be a car barn for plot 93, in tandem with the other space at no. 93.
 - on plot 96, the car barn is annotated as '95'. Can it be clarified as to whether this should be a car barn for plot 96, in tandem with the other space at no. 96.

- on plot 132, the car barn is annotated as '131'. Can it be clarified as to whether this should be a car barn for plot 132, in tandem with the other space at no. 132.
 - on plot 146, the car barn is annotated as '145'. Can it be clarified as to whether this should be a car barn for plot 146, in tandem with the other space at no. 146.
 - Regarding the concern raised previously in relation to 4-bed units without 2 independently accessible spaces – when considering the site plan and layout of visitor spaces, 4-bed unit plots 77, 78, 79 and 80 do not have visitor spaces nearby
 - Furthermore, visitor parking for plots 1, 2, 3, 4 and 5 are a distance away from these 4-bed plots
- Please can the applicant provide details of the dimensions for all parking spaces. KCC's emerging parking standards recommend that a standard reverse in / reverse out space should be 2.5m x 5.0m. In addition:
- An extra 20cm should be added to any side with a wall or other barrier likely to affect the ease of opening doors (a space between two walls should therefore be 2.9m wide).
 - An extra metre should be added to the rear of any reverse in / reverse out bay where the space abuts an access door or garage door (if it is to swing forwards – please clarify)
 - A 50cm setback should be provided between any footway or carriageway and the parking space.
 - Tandem spaces should be increased to 11.0m in length
- For the parallel visitor spaces – KCC's emerging parking standards recommend that a standard parallel parking space should be 2.5m by 6.0m.
- Garages:
- Although garages do not count towards the number of parking spaces provided, KCC's emerging parking standards do have minimum dimensions to encourage their use for parking alongside likely utility / storage use.
 - The dimensions of single garages and twin garages have been indicated in the House Type Pack on drawings 09268-FPCR-S1-XX-DR-A-0260 and 09268-FPCR-S1-XX-DR-A-0262.
 - Using the scale bar provided, this shows 3m x 6m (W x L) for single, which falls under the minimum internal dimensions of 3.6m x 7m minimum from the emerging parking standards.

- The double garages have a dividing wall. Therefore, both portions of the double garage should each meet the above standards. The drawing is shown to measure 3m x 6m (W x L) for each portion and therefore falls under the minimum internal dimensions.
 - The minimum internal dimensions for a double garage (without a dividing wall) is 7.0m (depth) x 6.0m (width).
- Car Barns single and twin:
 - The dimensions of single car barns and twin car barns have been indicated in the House Type Pack on drawing 09268-FPCR-S1-XX-DR-A-0261.
 - The KCC emerging parking standards requires for a minimum of 2.5m x 5m (W x L) single car barn, and a minimum of 5.5m x 5m (W x L) double car barn.
 - The drawing shows that these standards are met
 - Electric Vehicle Chargepoints:
 - o The TA notes “Electric Vehicle Charging Points (EVCPs) will be provided to accord with new Kent Design Guide standards. For residential uses, dwellings with on-plot parking will be provided with 1 active charging point per dwelling with a minimum output rating of 7kW whilst dwellings with unallocated communal parking will be provided with 10% active charging spaces and 100% passive charging spaces. Passive provision comprises the provision of ducting to enable cabling / connections to be installed at a later date.” This proposal is acceptable.
 - o Cycle Parking:
 - o The TA states “Cycle parking facilities will be provided either within the curtilage of each residential dwelling (in garages where applicable) or communal stores dependent upon the finalised accommodation mix. Cycle parking for non-residential uses will be provided in sheltered, secure and communally accessible locations”
 - o For C3 residential use, cycle parking is proposed to be allocated on 1 space per bedroom, which is acceptable.
 - o Details of cycle parking provision for Phase 1 of both developments can be covered by condition, such that it can be shown how the space can accommodate for the bicycles.
 - Car Club
 - o Car club provision is to be included in the development and further details would be welcomed together with an appropriate condition towards car club membership for the new residents.

7. Bus Access

7..1 The KCC Public Transport team have been consulted internally and comments will be provided once received.

Bus link - TW/23/00091/FULL

7..2 A bus only access is proposed to link in the northern part of the site, from the western site boundary at Church Farm. This is to facilitate a proposed demand-responsive bus service through Paddock Wood. A bus gate is also proposed. The Design and Access statement notes – “The main route will accommodate a bus route with the northern section of the site controlled by a bus gate to the north west within the Redrow development.”

7..3 The highway design of the bus link is shown in Appendix 10 of the TA and the RSA1 at Appendix 11.

7..4 The proposals for the bus link and the bus gate should be submitted through the KCC Outline Technical Review process:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Bus access throughout the sites

7..5 In relation to the access from Church Road, during Phase 1 of the Development (i.e. the northern arm), the TA states “The side road arm serving the proposed development will be provided to a width of 6.75m to accommodate a bus route. This road width accords with the principles of the Kent Design Guide which identifies that a ‘Distributor Road’ to serve 300+ dwellings should be provided to a 6.75m width. The road will ultimately form the main Boulevard through the site.”

7..6 However, in relation to the section of Boulevard to the South of Church Road where it intersects with Mascalls Court Road and Mascalls Court Lane, it is noted that the Boulevard is to be typically provided with a 5.5m carriageway width which falls short of the 6.75m required for a bus route.

8. Baseline Data

Personal Injury Collisions

8..1 The area covered in the TA shows no particular problems, however it is requested that the scope of assessment is extended to include:

- The B2016 to and including its junction with the A21
- The route to the A21 through Mile Oak, Pixot Hill, Brenchley to the A21

- Chantler's Hill, including its junctions with Mascalls Court Road and the B2160
- B2017 between its junction with the B2160 Maidstone Road to the junction with the A26
- Queen Street north of the railway line to and including the junctions with Lucks Lane and Wagon Lane
- Lucks Lane and Wagon Lane including their junctions with the B2160 Maidstone Road
- B2160 Maidstone Road to and including its junction with the A228 at the Hop Farm roundabout
- A228/Whested Road
- A228 Colts Hill

9. Traffic Impact of Development

Trip Generation

- 9..1 The trip generational potential of the development has been analysed in section 6 of the TA. The vehicular trip rates used for the Local Plan Evidence Base has been applied. The use of the strategic trip rates used for the borough wide Local Plan assessment may not reflect the characteristics of the Paddock Wood development site and so a bespoke assessment of trip generation using TRICs for sites with similar characteristics is required, as was provided in the original pre application scoping. The reduction of the trip rates by 10% should be an additional sensitivity test.
- 9..2 The residential trip rates used in the TA are 0.48 (two way) for both the AM and PM peaks, however these should be updated as previously mentioned. For the first phase of development (330 units) this would equate to 158 two-way vehicle movements. A 10% reduction for sustainable travel would result in 142 vehicle trips in the peak hours. Using the same trip rate 1100 dwellings would generate 528 two-way vehicle trips in the peak hours and with 10% reduction for sustainable travel this would be 475.
- 9..3 Trip rates for the specialist accommodation for the elderly (60 units) have been derived using TRICs and this methodology is acceptable. The proposal is estimated to generate 16 two way vehicle movements in the AM peak and 13 in the PM peak.
- 9..4 The development includes for a 2FE primary school and an extension to the existing secondary school; Mascalls Academy and trip generation and distributions should be included in the assessment.

10. Development Related Impact on the Highway Network

Future year growth

10..1 A future year of 2027 has been used for Phase 1 (330 units), and 2034 for full development (1,160 units), with TEMPRO growth rate factors applied to the 2021 surveys. Committed development is not included in the assessment. Bearing in mind the high levels of growth being experienced in Paddock Wood and that proposed and included in the Submitted Local Plan it is considered that the committed development should be included in the impact assessment as well as Temprow growth factors.

Trip Distribution

10..2 Trip distribution has been based on 2011 census data and the routing based on peak hour journey times. The details of this are currently being reviewed and the comments on this provided separately.

10..3 Traffic flow diagrams showing 2027 flows are missing from Appendix 19. Please could these be provided.

Impact

10..4 Impact assessments have been completed on a number of junctions for both the AM and PM peak periods which are identified as 0730 - 0830 and 1630 - 1730. Please provide evidence to show how these peak periods have been identified, the Arcady and Picady models used in the capacity assessments, CAD files for the junctions modelled and a copy of the full result printouts for the Linsig modelling. Once this information is provided I will be able to review the impact assessment and provide further comment. I have however received an initial response from the KCC Traffic and Network Solutions team who have stated that the existing LINSIG model at the Maidstone Road/Badsell Road/Mascalls Court Road junction needs to be based on the current junction's operation (as built drawing have been provided separately) and stage sequence, utilising the existing intergreen timings. Also, the scenario with the improvement scheme (also provided separately) requires the extendable pedestrian crossing intergreen timings to be extended to their maximum when modelling the junction in order to give a worse case scenario.

10..5 The assessments have been provided for :

- o 2027 base;
- o 2027 base + development of 330 homes;
- o 2034 base; and
- o 2034 base + development comprising 1100 homes and 60 units specialist accommodation for the elderly.

10..6 It is recommended that the 2021 models are validated against queue lengths or the Local Plan model.

10..7 An assessment of the junctions with the full local plan development strategy is not provided.

10..8 A summary of the results is as follows:

Results of capacity assessments taken from the TA

Junction	2027	2034
Church Road/ site Access Phase 1	No capacity issues for the scenarios modelled	
Church Road / Site Access full development	No capacity issues for the scenarios modelled	
Church Road/Mile Oak Road/Pearsons Green Road/Queen Street staggered priority crossroads	No capacity issues for the scenarios modelled	
B2160 Maidstone Road/Badsell Road/Mascalls Court Road staggered signalised crossroads Existing layout	Maidstone Road (N) right DoS* 94.8% in the pm peak this increases to 97.3% DoS with development. Badsell Road is 92.6% DoS in the PM peak and increases to 98.6% with development.	The junction is over capacity in the 2034 base year scenario Maidstone Road (N) right DoS is 100.5% this increases to 110.3% with development. Badsell Road is 99.4% DoS increasing to 110.7% with development.
B2160 Maidstone Road/Badsell Road/Mascalls Court Road staggered signalised crossroads Proposed layout		shows operation within capacity
A228/B2160 Maidstone Road roundabout (Hop Farm)	No capacity issues	2034 base scenario indicates the junction will be over practical capacity with an RFC** of 0.94 in the PM peak. The 'with development' scenario increases the RFC to 0.97.

A228/B2017 Badsell Road roundabout	the junction operates over practical capacity in the 2027 base with the A228 Maidstone Road RFC reaching 0.91 in the AM pk and increases to 0.92 in the + dev scenario.	In 2034 the A228 Maidstone Road arm RFC increases from 0.96 to 0.99 with the addition of the development traffic and the queue length increases from 14.9 in the base scenario to 22.1 with development. Additionally, the B2017 Badsell Road RFC becomes over practical capacity in the PM peak with development with an RFC of 0.89.
A228/Alders Road/Crittenden Road staggered crossroads	No capacity issues for the scenarios modelled	
Church Road/Warrington Road	No capacity issues for the scenarios modelled	
Maidstone Road/Station Road	No capacity issues for the scenarios modelled	
B2160 Maidstone Road/ Commercial Road	No capacity issues for the scenarios modelled	
B2160 Maidstone Road/Warrington Road	No capacity issues for the scenarios modelled	
B2160 Maidstone Road/Chantlers Hill	No capacity issues for the scenarios modelled	

*DoS is Degree of saturation , as the DoS becomes close to 100% the manoeuvre becomes very sensitive to any further increase in traffic. A DoS of 90% is usually taken as Practical Capacity, and it is desirable to achieve a Practical Reserve Capacity (PRC) of at least +10%.

** RFC is ratio of flow to capacity An RFC value of 0.85 is usually taken as indicating that the manoeuvre is operating at practical capacity, while a value of 1.0 indicates that it is operating at theoretical capacity.

10..9 The results of the impact analysis show that mitigation measures are required at:

- B2160 Maidstone Road/Badsell Road/Mascalls Court Road staggered signalised crossroads – the junction is over capacity in the 2027 base PM peak and this becomes worse with the development. However, with the planned improvement scheme the junction can accommodate the 2034 flows with full development and remain within capacity.
- A228/B2160 Maidstone Road roundabout (Hop Farm)
- A228/B2017 Badsell Road roundabout

NB It should be noted that the results above are a summary of those in the TA and further assessment may be required with altered trip rates. The distribution of traffic and the junction models are currently being reviewed for accuracy and additional information has been requested to facilitate this. Once this is completed the findings will be made available and the models may need to be amended accordingly.

Additional Impact Assessment requirements

10..10 I would also like to understand the impact of the development on the surrounding highway network outside of the existing study area as listed below:

- Impact along the B2160 Maidstone Road through the local villages and to the A21, including an assessment of the impact at the A21/B2160 junction (Kippings Cross)

It would also be useful to validate the distributions proposed along this route by comparing the increase in traffic along the B2160 with that predicted for the committed residential development sites to ascertain whether this route is likely to become more popular than predicted.

- There have been concerns relating to capacity and safety along Colts Hill and through Five Oak Green for numerous years and therefore a review of safety conditions and link capacity would be extremely helpful.
- An increase of approximately 73 two-way peak hour movements is expected on the B2017 towards its junction with the A26 west of Tudeley (Woodgate Way roundabout) and so a capacity assessment is required at this junction with an extended distribution assessment to identify the increase in traffic expected at the neighbouring junctions.
- I note that 26.7% of generated traffic (141 two way movements) is predicted to route along the A228 to/from the north and this is likely to impact on the junction of the A228/A26/Seven Mile Lane which is known to suffer congestion at peak times. Please include a capacity assessment of this junction, the A26/A228 junction at Mereworth and the junction of Seven Mile Lane with the A20.

- B2160 junction with Chantlers Hill. Chantlers Hill provides a direct route between Mascalls Court Road and the B2160 Maidstone Road towards the A21 and is likely to see a significant increase in traffic arising from this development. Please provide evidence to demonstrate the suitability of this route in terms of road width and visibility at its junctions with the B2160 and with Mascalls Court Road.
- The A21 junction with Pembury Road
- The A264 Pembury Road junction with Halls Hole Road and Blackhurst Lane
- A264/Sandhurst Road
- A264/Sandrock Road
- A264/Calverley Park Gardens and A264/ Calverley Road

11. Travel Plan

11..1 The Travel Plan has been forwarded to the KCC Travel Plan Monitoring Officer and the following comments provided:

Para. 2.72 – for the car park spaces how will these spaces be managed and monitored?

Para. 3.12 – Please include the name of the bus provider for this area .

Para. 5.5 – It states that surveys will be taken once occupation is at 50% , I would like it to be clear if this is all the applications/ phases of the different developments or all as it is going to be monitored over 5 years there could be space between completion of one of the applications to others .

Para. 6.21 – For the car club it would be good to know the take up for this service included when doing the surveys

Para. 6.3 – Once set up it would be good to have a link to the community website included.

Para. 6.7 – I would like to see a copy of the Information Pack once produced and for it to be included in the Travel Plan document

Para. 8.3- Please update with TPC Details once appointed.

12. Conclusion

12.1 Additional information is required as outlined above in order that the highway related impacts of these developments can be fully assessed. Once that information is received and reviewed I shall provide additional comments.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Yours faithfully

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KCC developer contribution assessment for Primary Education

District: Tunbridge Wells	1-bed: 12
Site: Knells Farmhouse, Queen Street, Paddock Wood Tonbridge, Kent, TN12 6NP	Houses: 522
Plan ref: TW/23/00086	Flats: 26
Date: 17/02/2023	Total units: 560

Current and forecast pupils on roll for schools within

Paddock Wood planning group

DFE no.	School	2021-22 (A)	2022-23 (A)	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)
2128	Capel Primary School	206	206	229	241	249	249	250	250	246	246	243
2127	Paddock Wood Primary School	593	606	643	686	680	673	675	687	682	684	676
Current and forecast pupils on roll (excluding the expected pupil product from new developments)		799	812	871	928	929	922	924	936	928	931	920
Required capacity to maintain 2% surplus capacity		815	829	889	947	947	941	943	955	947	950	939

Current and forecast capacity for schools within

Paddock Wood planning group

DFE no.	School	2021-22 (A)	2022-23 (A)	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)
2128	Capel Primary School	210	210	210	210	210	210	210	210	210	210	210
2127	Paddock Wood Primary School	630	630	630	630	630	630	630	630	630	630	630
Current and forecast capacity (1)		840	840	840	840	840	840	840	840	840	840	840

(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

Paddock Wood planning group

Planning reference	Development	Houses	Flats	Primary product
TW/22/02005	Land And Open Space Goldings Paddock Wood Tonbridge TN12 6EQ	0	8	1
TW/21/02236	Touchwood Pearsons Green Road Paddock Wood Tonbridge Kent TN12 6NY	3	0	1
TW/21/01862	Church Farm And Land Church Road Paddock Wood Tonbridge Kent	60	0	17
TW/21/00665	Land Rear Of, 7 - 9 Station Road, Paddock Wood, Tonbridge, Kent	0	12	1
TW/20/02271	Land West Of Sychem Place Five Oak Green Tonbridge Kent	8	0	2
TW/19/03349	Land At, Mascalls Farm, Badsell Road, Paddock Wood, Tonbridge, Kent (S106)	90	11	0
TW/17/04224	Land at Willow Lane, Willow Lane, Paddock Wood, Tonbridge, Kent TN12 6NL	10	0	3
TW/17/03480	Mascalls Farm, Paddock Wood (S106)	309	0	0
New developments within the planning area		480	31	24
This development		522	26	148

Assessment summary

Detail	2021-22 (A)	2022-23 (A)	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)	25	11	-49	-107	-107	-101	-103	-115	-107	-110	-99
Expected pupil product from new developments	24	24	24	24	24	24	24	24	24	24	24
Surplus / (deficit) capacity including the expected pupil product from new developments	1	-13	-73	-131	-132	-125	-127	-139	-131	-134	-123
Expected pupil product from this development	148	148	148	148	148	148	148	148	148	148	148
Surplus / (deficit) capacity including the expected pupil product from new developments and this development	-147	-161	-221	-279	-280	-273	-275	-287	-279	-282	-271
Expected pupil product from this development that on current plans for school provision cannot be accommodated	147	148	148	148	148	148	148	148	148	148	148

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.

Appendix 1A

Education

Site Name	Land West Of Queen Street And Mile Oak Road Paddock Wood Tonbridge Kent TN12 6NP
Reference No.	TW/23/00086/HYBRID
District	Tunbridge Wells

	Houses	Flats	Total
Unit Numbers	522	26	548

Primary Education			
		Per house	Per flat
<i>Primary pupil generation rate</i>		0.28	0.07
New Primary Pupils generated from this development			148
New Primary School build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	£24,286	£6,800	£1,700
Contribution requested towards New Primary School Build			£3,593,800.00
New Primary School site contribution			
Residential Land Price per acre for Tunbridge Wells			£1,000,000
	Pupils	Hectares	Acres
<i>2FE Primary School</i>	420	2.05	5.06555
	per Pupil	per House	per Flat
<i>Land Rate</i>	£12,060.83	£3,377.03	£844.26
Total = Primary School Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New Primary School) = 5.06555 x 1000000 x (147.98 / 420)			
Contribution requested towards New Primary School Site			£1,784,762.12
Total Primary Education Build and Land contribution			£5,378,562.12

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

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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.
 - 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

APPENDIX 2

KCC Communities

Development Contributions Assessment

Site Name	Land West Of Queen Street And Mile Oak Road Paddock Wood Tonbridge TN12 6NP
Reference No.	TW/23/00086/HYBRID
District	Tunbridge Wells
Assessment Date	22/02/2023
Development Size	560

COMMUNITY LEARNING & SKILLS (CULTURAL HUB ELEMENT)	
	Services
Current Service Capacity	1,674
LESS Current adult participation in Tunbridge Wells district	1,758
Initial capacity shortfall/surplus (Year ending 2019)	-84
New adult participation from this development	20.1 clients
Will service capacity be exceeded?	YES

YOUTH SERVICE		
	Centre and Hub based Services	Outreach and Targeted Services
Current Service Capacity	1,548	833
LESS Current youth participation in Tunbridge Wells district	1,625	875
Initial capacity shortfall/surplus (Year ending 2019)	-77	-42
New youth participation from this development		28 clients
Will service capacity be exceeded?		YES
Contributions requested from this development		<u>£65.50 per dwelling</u>
<i>560 dwellings from this proposal</i>		<u>£36,680.00</u>
Contributions requested towards additional equipment and resources for the Kent Youth Service to enable outreach work in the vicinity of the development.		

LIBRARIES (CULTURAL HUB ELEMENT)	
Libraries assessed for this development	Library Stock and Services
Current Service Capacity	13,770
LESS Current library participation in Tunbridge Wells district	14,459
Initial capacity shortfall/surplus (Year ending 2019)	-689
New borrowers from this development	163.3 borrowers
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£437.21 per dwelling</u>
<i>560 dwellings from this proposal</i>	<u>£244,837.60</u>
Contributions requested towards Tunbridge Wells Cultural Hub - Libraries / Adult Education / Social Care	

Net contributions requested for KCC Communities' Services	£281,517.60
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APPENDIX 3

KCC Waste Services

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

Site Name	Land West of Queen St and Mile Oak Rd, Paddock Wood Tonbridge TN12 6NP
Reference No.	TW/23/00086/HYBRID
District/Area	Tunbridge Wells
Assessment Date	22/02/2023
Development Size	560

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	560
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
560 dwellings from this proposal	£72,352.00

Contributions requested towards Tunbridge Wells 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	560
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
560 dwellings from this proposal	£30,503.20

Contributions requested towards Tunbridge Wells HWRC

Net Contributions requested for KCC Waste from this development	£102,855.20
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* 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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Kevin Hope
Tunbridge Wells Borough Council
Town Hall
Mount Pleasant Road
Tunbridge Wells
Kent
TN1 1RS

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: TWBC/2023/094013
Date: 24 February 2023

Application No: 23/00086/HYBRID

Location: Land West Of Mile Oak Road, Paddock Wood, Tonbridge, Kent, TN12 6NP

Proposal: HYBRID Application: Full Application for erection of 160 homes. Outline Application (appearance, landscaping, layout and scale reserved) for the erection of up to 400 additional homes, inclusive of associated infrastructure including land for specialist accommodation for the elderly, land for secondary school expansion, a local centre, play areas, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space 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 Drainage Strategy prepared by Stantec UK Limited dated 16th December 2022 and the Drainage Strategy Report dated December 2022 prepared by Barter Hill and have the following comments:

It is understood from the report that the surface water is to be managed through using attenuation basins, a series of swales and permeable paving prior to a restricted discharge at 5.3 l/s/ha into the East Rhoden stream.

We note that within the outline application catchment A has been reserved for a school expansion, however this has not been assessed further as part of this drainage proposal. We would seek for further information to be provided regarding this parcel, or for it to be separated from this application.

We request for further clarification on the above matter.

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,

Emily Neale
Graduate Flood Risk Officer
Flood and Water Management

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Kevin Hope
Tunbridge Wells Borough Council
Town Hall
Mount Pleasant Road
Royal Tunbridge Wells
TN1 1RS

BY EMAIL ONLY

Growth, Environment & Transport

Sessions House
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 412064
Ask for: Stephanie Holt-Castle
Email: Stephanie.Holt-Castle.@kent.gov.uk

13 April 2023

Dear Kevin,

Re: Full application for a proposed development at Land West of Queen Street, Paddock Wood, Tonbridge, Kent [application reference: 23/00091/FULL]

Thank you for consulting Kent County Council (KCC) on the full planning application for the development at Land West of Queen Street, comprising of the construction of a bus, pedestrian and cycle link between Land at Church Farm and Land West of Queen Street, together with associated works (the Bus Link Application).

The County Council notes that this application has been submitted alongside two related proposals. These include the Redrow Development at Land West of Queen Street (reference: 23/00118/HYBRID) which accompanies this application, and the Persimmon Development at Land West of Queen Street and Mile Oak Road (reference: 23/00086/HYBRID). A separate response is made in respect of these applications and where appropriate, the cumulative impact of these three applications is considered.

In summary, and in considering the application as it currently stands, the County Council raises a **holding objection** to this application on the following ground:

Public Rights of Way (PRoW): The County Council does not consider that the application provides sufficient detail in respect of PRoW and the response sets out the material required for the County Council to appropriately consider the application.

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

Highways and Transportation

The County Council as Local Highway Authority provided comments direct to the Borough Council on 13 March 2023 (Appendix 1).

Public Rights of Way (PRoW)

The County Council, as Local Highway Authority in respect of Public Rights of Way (PRoW), raises a holding objection to the application pending the provision of information as set out within this response.

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. The County Council 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. The County Council 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.

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 personal and societal ambitions and needs, including access to and appreciation of landscapes for improving personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion, supporting the local economy, improving local air quality, and much more. For these reasons, new development is expected to have positive regard to PRoW.

In determining whether to grant planning permission, the Local Planning Authority is required to consider the local PRoW network and public off-road access generally. The PRoW network is a material consideration ([DEFRA PRoW Circular 1/09](#), paragraph 7.2) requiring careful consideration of the consequences of development and, in accordance with various parts of the [National Planning Policy Framework](#) (NPPF) (July 2021), is to be protected and enhanced.

Site context

The County Council recognises that there are no PRoW recorded within this application site. This can be verified by viewing the Definitive Map of Rights of Way and Definitive Statement, the legal record of PRoW, or a copy of the Definitive Map that can be found [here](#). An extract of the Network Map for the application area can also be viewed in Appendix 2.

The application identifies the future bus route corridor, connecting the land at Church Farm through the proposed Redrow and Persimmon Developments to Church Road (although

omits to show its continuation to Mascalls Court Road). This route would cross Public Footpaths WT256 and WT257 and, according to the Masterplan, appears also to run along parts of their recorded alignments.

The County Council is submitting separate comments regarding both the Redrow and Persimmon residential developments - this consultation response is additionally submitted to highlight the impact of the bus route on existing PRow.

Comment

In support of this application, it is recognised that a Design and Access Statement and Transport Assessment have been submitted.

As general principles, the County Council expects development proposals to give positive consideration to the principle of active travel for access to amenities, facilities and services and to recognise the various statutory documents and framework for management of the PRow network and off-road access. Given the site's location on the periphery of the town, the County Council expects the application to demonstrate support for the concept of active travel to minimise additional local vehicle traffic on roads whilst also enhancing individuals' health and lifestyles. However, active travel receives only passing reference within the Transport Assessment and no reference within the Design and Access Statement. Both documents also fail to recognise the ROWIP, a statutory document that assesses need across the county PRow network and aims to address accessibility issues. The County Council considers that both documents should be revised to include specific consideration of active travel and the ROWIP, relative to this development.

Reference within the Design and Access Statement and Transport Assessment is made to the connection between roads and walking and cycling routes, in both the Redrow Development site and the Church Farm development, principally to facilitate walking and cycle access to/from Paddock Wood town. However, no information is provided as to the certainty that routes within the Church Farm development will be created, what status they will be given for public access, or who will be maintaining them. Given the need for the Local Planning Authority to be satisfied on the site's sustainability, and for the Local Highway Authority to have confidence that the future local access network will appropriately support the proposed development, it is fundamental that the applicant elaborates on the various references and provides supporting evidence as appropriate. As a principle, the County Council is inclined to support proposals that enhance walking and cycling and horse riding, including the creation of new links or improvement of existing facilities to better support enlarged future communities.

The County Council has reviewed the Design and Access Statement and Transport Assessment and comments specifically as follows:

Design and Access Statement

- This refers to the creation of footpaths running north and south of the bus/pedestrian/cycle link on both sides of the stream. It is understood that these

paths would be surfaced to a 'hoggin' spec with timber edging (page 15). There is no comment as to the future status of these paths and no clarity on who would maintain these for future residents to enjoy.

- The creation of these four footpaths would appear, given their title, to exclude use on bicycle. In support of active travel and to provide a permeable and connected network, the County Council recommends these paths are provided for both walking and cycling.

Transport Assessment

- The County Council welcomes acknowledgement of NPPF paragraphs 104, 105, 110, 111 and 112. However, reference is omitted to paragraphs 92, 93, 98, 100 and 106 and in determining this application, the Local Planning Authority is required to carefully consider the proposal against all of these paragraphs. The proposal to establish various walking and cyclable routes within the Redrow and Persimmon development sites, and links to neighbouring developments and into Paddock Wood town, are welcomed and will contribute to the principle of active travel. However, the County Council would welcome further proposals to provide all paths within the site as suitable for both walking and cycling. This will help to establish a culture of the ease to travel locally without vehicle transport.
- NPPF paragraphs 100 and 104c require the applicant to enhance local walking and cycling and ensure convenient access for all. However, the County Council does not consider the proposal to satisfy these paragraphs, as it does not seek to provide cycle access on the four footpaths proposed, which lead from the bus/pedestrian/cycle link.
- The County Council considers NPPF paragraph 112b is not satisfied as disabled/mobility-impaired access need is only acknowledged when proposing car parking needs. The applicant must consider the wider needs of the disabled/mobility-impaired and revise its proposal accordingly.
- Specific comments are made below on various paragraphs within the Transport Assessment:

3.79: This paragraph states that '*access to the crossing will be prohibited during extreme rainfall events*'. The County Council suggests that clarity is needed as to what is defined as an extreme rainfall event and by whom, in order that decision making is clear and appropriately fast. The County Council also encourages prior consideration of an alternative route for walkers and cyclists and how this information would be conveyed to users of the bus/pedestrian/cycle link.

3.83: Although the proposed Wastewater Treatment Works is discussed within the Redrow site, this is also relevant to the proposed bus route as it follows part of WT256 and/or WT257. This is not acceptable to the County Council and would be contrary to [DEFRA PROW Circular 1/09](#), paragraph 7.8. The proposal must be revised; either

moving the estate road or proposing formal diversion of part(s) of WT256/ 257, which could be achieved under the Town and Country Planning Act 1990 Section 257.

In summary of the above, the County Council does not consider that the proposal goes far enough to satisfy the various NPPF paragraphs, [DEFRA PROW Circular 1/09](#), and the expected need that will be generated by the size of the development.

In addition to comments made above, the County Council wishes to bring to the applicant's attention the following points:

- Any and all comments related to the existing and/or future road highway network, for example, regarding visibility splays, must be sought from the Local Highway Authority. This also includes cycleways.
- The County Council does not seek to adopt any proposed new paths as formal PRow other than specifically commented on within this response or as agreed in negotiation for any Section 106 Agreement with the applicant.
- A PRow Management Plan, including detail on management of PRow before, during and after construction of the bus route corridor, must be prepared for approval by the County Council prior to the commencement of development. This must be requested by condition. This Plan will be expected to ensure safe and convenient access on all PRow during works unless a Temporary Traffic Regulation Order (details can be found [here](#)) has been granted in advance of works. It should also include detail on the legal processes to be initiated for any PRow creations/diversions and their expected timescales.
- Standards will only increase over time, as will access demands, so provision should not limit/prevent future uplift, for example, consideration of the use of e-cycles.

Conclusion

The applicant must supply further information on the above points in order for the proposal to be considered appropriate by the County Council.

The County Council therefore submits a **holding objection** until further information is submitted on the above points. The County Council will then re-assess the proposal and provide further comment. If the Local Planning Authority is minded to determine the application in the meantime, the County Council would request engagement in respect of PRow.

Heritage Conservation

In summary, these hybrid largescale proposed developments could have a major impact on the historic environment, particularly on the heritage assets of Moat Plats and the Hop Pickers Line. The heritage assessment is good and the County Council particularly welcomes the Historic Landscape Assessment and the geophysical survey. However, the consideration of heritage in the Planning Statement, the Design and Access Statement and in the proposed Masterplan is not sufficient or appropriate.

The County Council recommends that, prior to determination of these applications, there should be additional assessment of Moat Plats and the Hop Pickers Line with more appropriate mitigation proposed and this should be reflected in the Masterplan. In view of the geophysical survey results, the County Council also recommends that further fieldwork assessment is undertaken to clarify the presence/absence of significant archaeology.

As part of this large scale, strategic scheme, the County Council would welcome more details on suitable positive heritage mitigation measures with more sympathetic and appropriate treatment of Moat Plats and Hop Pickers Line. Some of these measures could be included within a s106 Agreement and be part of a Heritage Interpretation and Management Framework.

Once the additional pre-determination assessment works have been undertaken, it may be that archaeological concerns can be addressed through a range of conditions and part of a s106 Agreement.

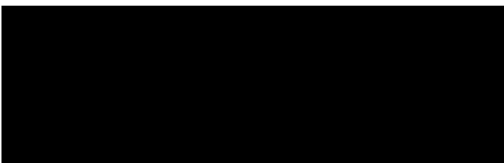
Sustainable Urban Drainage Systems (SuDS)

The County Council, as Lead Local Flood Authority, provided the following commentary direct to the Borough Council on 6 March 2023 (Appendix 3).

The County Council will continue to work closely with Tunbridge Wells 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 Tunbridge Wells 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,



Stephanie Holt-Castle
Director for Growth and Communities

Enc.

Appendix 1: LHA response provided direct on 13.03.2023

Appendix 2: Extract of the Network Map

Appendix 3: LLFA response provided direct on 06.03.2023



Highways and Transportation

Kroner House

Eurogate Business Park

Ashford

TN24 8XU

Tel: 03000 418181

Date: 10 March 2023

Our Ref: LRG1

Alessandra Sartori - GT GC
<Alessandra.Sartori@kent.gov.uk>

Application - TW/23/00091/FUL

Location - Land West Of Queen Street, Paddock Wood, Tonbridge, Kent, TN12 6NP

Proposal - Construction of bus, pedestrian and cycle link between land at Church Farm and land at Knells Farm, together with associated works

Thank you for your consultation in relation to the above planning application.

I have forwarded the details of the bus link and the safety audit to the KCC Public Transport Team and the KCC Highways Structures Team who have requested that the details be submitted through the KCC Outline Technical Review process which is a free service and can be accessed using this link:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

I would be grateful if this could be arranged.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Yours faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.



KEY

— —	Footpath
- -	Bridleway
∨-∨-	Restricted Byway
— ∨	Byway Open to All Traffic

**EXTRACT OF THE WORKING COPY OF THE
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FOR THE COUNTY OF KENT**

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Produced by the KCC Public Rights of Way and Access Service

Created by:	KB
Checked by:	
Issue Date:	08/09/2021
Reference:	Text

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Kevin Hope
Tunbridge Wells Borough Council
Town Hall
Mount Pleasant Road
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TN1 1RS

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: TWBC/2023/094016
Date: 6 March 2023

Application No: 23/00091/FULL

Location: Land West Of Queen Street, Paddock Wood, Tonbridge, Kent, TN12 6NP

Proposal: Construction of bus, pedestrian and cycle link between land at Church Farm and land at Knells Farm, together with 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 Drainage Strategy prepared by Stantec (16/12/22) and have the following comments:

We note that the proposals within this application match those outlined within the FRA of 23/00118/HYBRID. As such we have no objection to these proposals and would expect further details to be provided as part of the detailed design application in relation to our recommended conditions associated with 23/00118/HYBRID.

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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Growth, Environment & Transport

Sessions House
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 412064
Ask for: Stephanie Holt-Castle
Email: Stephanie.Holt-Castle@kent.gov.uk

Kevin Hope
Tunbridge Wells Borough Council
Town Hall
Mount Pleasant Road
Royal Tunbridge Wells
Kent TN1 1RS
BY EMAIL ONLY

13 April 2023

Dear Kevin,

Re: Hybrid application with appearance, landscaping, layout and scale reserved for a proposed development at Land West of Queen Street, Paddock Wood, Tonbridge, Kent [application reference: 23/00118/HYBRID]

Thank you for consulting Kent County Council (KCC) on the hybrid planning application for the development at Land West of Queen Street, comprising of the full application for the erection of 170 homes and Waste Water Treatment Works together with temporary construction/haul road off Queen Street to enable the delivery of the Waste Water Treatment Works and up to 150 dwellings, and an outline application (appearance, landscaping, layout and scale reserved) for the erection of up to 430 additional homes, inclusive of associated infrastructure including land for a new primary school, play areas, allotments, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space and associated works (the Redrow development).

The County Council notes that this application has been submitted alongside two related proposals. These include the Bus Link Application at Land West of Queen Street (reference: 23/00091/FULL) which accompanies this application, and the Persimmon development at Land West of Queen Street and Mile Oak Road (reference: 23/00086/HYBRID). A separate response is made in respect of these applications and where appropriate, the cumulative impact of these three applications is considered.

In summary, and in considering the application as it currently stands, the County Council raises a **holding objection** on the following grounds:

Public Rights of Way (PRoW): The County Council does not consider that the application provides sufficient detail is provided in respect of PRoW and the response sets out the material required for the County Council to be able to appropriately consider the application.

Heritage Conservation: These hybrid largescale proposed developments could have a major impact on the historic environment, particularly on the heritage assets of Moat Plats and the Hop Pickers Line. The County Council does not consider the inclusion of heritage in the Planning Statement, the Design and Access Statement and in the proposed Masterplan to be sufficient or appropriate. Additional assessment of Moat Plats and the Hop Pickers Line must be submitted with more appropriate mitigation proposed and this should be reflected in the Masterplan. The County Council also recommends that further fieldwork assessment is undertaken to clarify the presence/absence of significant archaeology, prior to determination of the application.

The County Council's response:

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

Highways and Transportation

The County Council as Local Highway Authority provided comments direct to the Borough Council on 13 March 2023 (Appendix 1).

Public Rights of Way (PRoW)

Introduction

The County Council, as Local Highway Authority in respect of Public Rights of Way, raises a holding objection to the application pending the provision of information as set out within this response.

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. The County Council 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. The County Council 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.

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 personal and societal ambitions and needs, including access to and appreciation of landscapes for benefitting personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion, supporting the local economy and improving local air quality. For these reasons, new development is expected to give positive regard to PRoW.

In determining whether to grant planning permission, the Local Planning Authority is required to consider the local PRow network and public off-road access generally. The PRow network is a material consideration ([DEFRA PRow Circular 1/09](#), paragraph 7.2) requiring careful consideration of the consequences of development and, in accordance with various parts of the [National Planning Policy Framework](#) (NPPF) (July 2021), is to be protected and enhanced.

Site context

The proposal is a hybrid application, seeking full planning permission for part of the development and part as outline planning permission. The County Council, in respect of PRow, considers it appropriate to respond on the basis of being a single permission.

The development is for up to 600 residential units, a Wastewater Treatment Works (WWTW) facility, a new school, as well as other facilities. In the event that planning permission is granted, reasonably this could bring c.2000 people to the area, and therefore significantly increase the demand on local off-road access.

This application has been submitted in parallel with an application for development on adjacent land by Persimmon Homes for up to 600 homes and various local facilities (reference: 23/00086/HYBRID). This would bring a further c.2000 people to the area.

Whether one or both of the residential applications are granted, the local PRow network can reasonably be expected to experience increased demand. The County Council, as authority with responsibility for the maintenance of PRow surfaces, will be faced with a consequential increase in maintenance demand in addition to pressure for new access opportunities.

A further Bus Link Application (reference: 23/00091/FULL) has been submitted for the construction of a bus, pedestrian and cycle link across the East Rhoden Stream to connect the Redrow development site with consented development known as Church Farm that is currently being built-out.

The following PRow are either recorded within, whether partly or wholly, or on the boundary of the applicant's proposed development:

- Public Footpath WT255
- Public Footpath WT256
- Public Footpath WT257

Other PRow in close proximity to the proposed development (not exhaustive):

- Public Bridleway WT318

The County Council has submitted comments regarding the above PRow in its consultation response to the Redrow Development.

The local network of paths is generally not contiguous, requiring path users to use the local road network to connect with the next PRow. Often these local roads are not provided with footways, therefore requiring path users to travel within the road width and be exposed to the hazards within. Additionally, the local network is predominantly formed of Public Footpaths, permitting as of right public access on foot and with certain mobility vehicles. A few Public Bridleways exist, which extend the public's access right to use on bicycle and horse, but these are even more disconnected and require greater use of lengths of road for users to continue their journey.

Information on the Definitive Map of Rights of Way and Definitive Statement, the legal record of PRow, and copy of a map of all Kent's PRow can be found [here](#). An extract of the Network Map for the application area can also be viewed in Appendix 2.

Comment

As general principles, the County Council expects development proposals to give positive consideration to the principle of active travel for access to amenities, facilities and services, and to recognise the various statutory documents and framework for management of the PRow network and off-road access generally. Given the site's location on the periphery of the town, the application must be expected to support the concept of active travel to minimise additional local vehicle traffic on roads whilst also enhancing individuals' health and lifestyles. However, active travel receives only passing reference within the Design and Access Statement, Planning Statement and Transport Assessment. The County Council is disappointed that only the latter defines active travel, as this should be defined in all three documents so that confidence can be provided for the consistency of provision. All three documents also fail to recognise the ROWIP, a statutory document that assesses need across the county PRow network and aims to address accessibility issues. All three documents should be revised to include specific consideration of both active travel and the ROWIP, relative to this development.

The application has inconsistencies regarding access provision, leaving the County Council uncertain of the exact proposal for walking and cycling. For example, the Masterplan, the Movement, Access and Footpaths drawing and the Sustainable Movement and Open Space Function Matrix do not show exactly the same walking and cycling routes - regarding parcel P2B, the first and second plans suggest new footpaths to be created whereas the third plan suggests walking and cycling routes are to be delivered. In the south-west corner of the site as shown on the Masterplan, it appears that a proposed cycleway will only connect with WT257. The applicant must clarify what is being proposed in order for the County Council (and indeed all consultees and members of the public) and the Local Planning Authority to adequately assess the proposal.

Reference is made within the Design and Access Statement, Planning Statement and Transport Assessment to the connection between walking and cycling routes within the site with planned paths in neighbouring developments, principally to facilitate walking and cycle access to/ from Paddock Wood town. However, no information is provided as to the certainty that routes within those developments will be created, what status they will be given for public access, or who will be maintaining them. Given the need for the Local Planning

Authority to be satisfied on the site's sustainability, and for the County Council as the Local Highway Authority to have confidence the future local access network will appropriately support the proposed development, it is fundamental that the applicant elaborates on the various references and provides supporting evidence as appropriate. As a principle, the County Council is inclined to support proposals that enhance walking and cycling and horse riding, including the creation of new links or improvement of existing facilities to better support enlarged future communities.

The County Council has reviewed the Design and Access Statement, Planning Statement and Transport Assessment and provided the following comments:

Design and Access Statement

Section 2 - 'Site Understanding and Considerations':

- This recognises Public Footpaths WT256 and WT257 but omits WT255 as running within the site boundary.
- This omits discussion of PRow within and in close proximity to the site boundary.

Section 4 - 'Movement and Access':

- Reference to LTN 1/20 for cycle infrastructure design and provision of visibility splays of 2.4m x 31m at cycle crossing points is acknowledged. Cycleways within Kent are managed by KCC Highways, not the County Council, so it will be for KCC Highways to comment on the suitability of cycleway provision, as also for footways and their associated drainage.
- This section states '*In addition to the formal pedestrian and cycle infrastructure, the site will also **consider** [author's emphasis] comprehensive improvement plans for PRow routes within and leading away from the site. This includes Footpaths WT257 and WT256. The Hop Pickers route will also form a pedestrian access route across the Redrow site*'. The County Council considers it reasonable to believe the development will increase demand on PRow within, leading away from and outside of the development boundary and, therefore, will require the applicant to mitigate this demand in order that the County Council is not unfairly burdened. It will not be acceptable for the applicant merely to '*consider*' improvements. The County Council notes paragraph 3.19 of the Transport Assessment states that '*a comprehensive improvement plan for PRow routes within and leading away from the site*', although this is not detailed, and the applicant is requested to propose '*a comprehensive improvement plan*' for the County Council's consideration.

Planning Statement

- This document does not greatly detail off-road access provision. However, unlike the Transport Assessment, it does recognise NPPF paragraphs 92, 93 and 98. The County Council would recommend that these be discussed in the document and it

should be considered how they will be applied/satisfied within the proposed development.

Transport Assessment

- The County Council welcomes acknowledgement of NPPF paragraphs 104, 105, 110, 111 and 112. However, reference is omitted to paragraphs 92, 93, 98, 100 and 106 and in determining this application, the Local Planning Authority is required to carefully consider the proposal against all of these paragraphs and it is recommended that they are therefore addressed. The proposal to establish various walking and cyclable routes within the site and links to neighbouring developments and into Paddock Wood town is welcomed. In the view of the County Council, it will contribute to the principle of active travel. However, the County Council would welcome further proposals to provide all paths within the site as suitable for both walking and cycling. This will help to establish a culture to travel locally without vehicle transport.
- NPPF paragraphs 100 and 104c require the applicant to enhance local walking and cycling and ensure convenient access for all. However, the County Council does not consider the proposal to satisfy these paragraphs, as it does not reflect the need for future site residents to access the countryside east and south of the site. The County Council expects a programme of enhancements to be funded and delivered by the applicant, to be agreed with the County Council within a Section 106 Agreement. This should include a cyclable link within the site to Public Bridleway WT315 and enhancements on surrounding PRow to provide attractive opportunities for informal recreation, personal health and wellbeing. This could include links to the Wealden Cycle Trail, which would offer a cyclable link to Tunbridge Wells, and to neighbouring communities including Brenchley and Horsmonden.
- The County Council considers that NPPF paragraph 112b is not satisfied as disabled/mobility-impaired access need is only acknowledged when proposing car parking needs. The applicant must consider the wider needs of the disabled/mobility-impaired and revise its proposal accordingly.
- Specific comments are made below on various paragraphs within the Transport Assessment:

3.13: Footpaths and shared use (walking and cycling) paths are proposed to be provided within the site. The County Council will require to agree specifications for works affecting any PRow, to include surfacing materials and future path width. On the latter, the County Council expects 3 metres width provision for footpaths and 5 metres width provision for shared use paths. Where PRow as Public Footpaths are proposed to become shared use paths, the County Council will require their status uplifted to Public Bridleway (which can be achieved under the Highways Act 1980 Section 25). It will not be acceptable to introduce cycling on a permissive basis onto a Public Footpath as the standards for safe and convenient shared access are not able to be enforced. The Applicant (or successor in title) could also unilaterally withdraw permissive rights, creating a significant issue for

on-going management of the path(s). The County Council will require appropriate detail within a Section 106 Agreement.

3.15: This paragraph proposes setting back hedges and fences 0.5 metres from footways or cycleways. Where plantings are proposed adjacent to any PRow, these must not be within 2 metres of the leading edge of any PRow (increasing to 3 metres for trees) to minimise the likelihood of future damage to PRow surfaces from roots.

3.24: The improvement to the bridge on WT257 at the applicant's cost is welcome, subject to formal agreement with the County Council on its specification.

3.26: WT257 appears in part to follow a proposed section of the 'Boulevard' running through the site. It is not acceptable to the County Council for any PRow to follow an estate road and would be contrary to [DEFRA PRow Circular 1/09](#), paragraph 7.8. The proposal must be revised, either moving the 'Boulevard' or proposing formal diversion of part of WT257, which likely could be achieved under the Town and Country Planning Act 1990, Section 257.

3.27: The County Council has not understood the statement regarding integration *'into the proposed site layout as a route with both off-road' lengths and sections running adjacent to the site highway network'*. The County Council requests clarification on this statement before providing a response.

3.28: Visibility splays to the satisfaction of KCC Highways will be necessary at the junction of WT256 with Queen Street. In respect of the suggestion to encourage cycling on WT256 (or any other Public Footpath within the site), the County Council refers to comments made on paragraph 3.13, which are also applicable here.

3.29: Any and all junctions/crossings of PRow with proposed roads must be designed and delivered to the satisfaction of the County Council and KCC Highways. The County Council will expect the design to acknowledge priority for walking and cycling (in accordance with NPPF paragraph 112a), such as by providing crossings as raised tables and use of coloured surfacing.

3.30: The County Council will require WT256, and WT255 to its junction with Queen Street, to be enhanced for cycling and for surface improvement. Cycling provision will enhance the local network and surface improvement will be necessary to accommodate the greatly increased use these paths will receive in the event of development. The County Council will require their status uplifted to Public Bridleway (which can be achieved under the Highways Act 1980 Section 25) and any design, to include path widths, must be approved by the County Council prior to commencement of the development.

3.31: This paragraph discusses the provision of walking and cycling links with Paddock Wood town centre. The County Council would refer to comments made in respect of paragraph 3 which are also applicable here.

3.33: A walking and cycling connection into the Church Farm development is proposed. As with comments above, the County Council welcomes the connections this would establish but is uncertain how this will be secured and delivered. The County Council will not seek for this to be formalised as a PRoW, nor the proposed 'Hop Pickers Line' path. It is therefore suggested that Tunbridge Wells Borough Council lead on this proposal, given its ambition to realise this.

3.34: The County Council considers a cyclable link north of No. 1 Thrift Cottages to connect with WT318 must be delivered. Without this, cyclists will unnecessarily be required to use Queen Street and be exposed unnecessarily to potential conflict with vehicles. Establishing this as a Public Bridleway as part of a 'loop' with WT256 and WT255 (see comment on 3.30 above) would demonstrate positive regard for local horse riders in addition to securing a safe and convenient cycle link for future site residents.

3.35: The County Council restates its position that means to cross the railway must be retained to ensure connectivity within the local PRoW network and that the applicant must engage with Network Rail to determine the future provision for walkers. Given the County Council's advice to the applicant in September 2021, this application was expected to comment on those negotiations, possibly to propose a solution to balance the requirements of the County Council, Network Rail, and the interests of future site residents. The County Council has no objection in principle to grade separated provision and will require to be part of discussions for the eventual solution to be delivered at the applicant's cost. In the event of grade separation, accommodation for use by cycles and horse should be provided, ensuring these users have safer means to cross the railway than the Queen Street ramped road bridge that limits forward visibility.

3.83: As with comments on paragraph 3.26, it is not acceptable to propose for a PRoW to follow part of an estate road, even if limited vehicle use is likely as could be expected with access to the future WWTW. The proposal must be revised, either moving the estate road or proposing formal diversion of part of WT257, which likely could be achieved under the Town and Country Planning Act 1990, Section 257.

Appendix 3 - WT263 (Persimmon Land & Adjacent), bullet 2: this refers to retention of an existing culvert. The applicant must confirm to the County Council which culvert is being referred to and clarify whether it is now proposed to provide cycle access over the structure. It may be that the culvert needs to be improved to accommodate increased use.

Appendix 3 - WT262 / WT257 (Southern Portion of Redrow Land & Adjacent), bullet 2: This proposes for cyclists to dismount on the eastern approach to the bridge crossing. Now that the applicant has finalised its proposal, this will no longer be acceptable to the County Council, as it is an avoidable inconvenience to future users and contrary to delivering an active travel network. The County Council requires the applicant to up-grade the structure for cycle access and provide suitable connection both sides of the bridge as part of the wider strategy to foster walking and cycling within and to/from the site.

In summary of the above, the County Council recognises and welcomes regard of the PRow network and its users but does not consider the proposal to satisfy the various NPPF paragraphs, [DEFRA PRow Circular 1/09](#), and the expected need that will be generated by the size of the development. It is suggested that the applicant, the County Council and stakeholders will further understand the proposal if the applicant were to prepare an Access Improvement Plan. This should identify the existing provision, showing in suitable detail the proposed future provision (including their differing status, such as PRow and non-PRow; their width; finished surfaces; all structures and limitations, for example, bridges, and gates), and detail on how works would be funded including by whom and within what timescale. This would be particularly helpful to enable faster negotiation of any Section 106 Agreement.

In addition to comments made above, the County Council wishes to bring to the applicant's attention the following points:

- Any and all comments related to the existing and/or future road highway network, for example, regarding visibility splays, must be sought from the Local Highway Authority. This also includes cycleways.
- The County Council expects all PRow to be provided as open access. There should not be any gate or other structure/barrier, unless otherwise agreed with the County Council.
- The County Council does not seek to adopt any proposed new paths as formal PRow other than specifically commented on within this response or as agreed in negotiation for the Section 106 Agreement.
- The proposal as made makes no provision for horse riding. Whilst the PRow within the site boundary and towards Paddock Wood town are all Public Footpaths, there is considerable horse ownership in the local area and, due to the disconnected local bridleway network, riders are required to use local roads when enjoying their access. The volume of road traffic will increase as a result of development, which will reduce riders' amenity and increase the likelihood of conflict accident or injury. This is therefore a consequence of the development ([DEFRA PRow Circular 1/09](#), paragraph 7.2) and the applicant must mitigate this by offering new bridleway routes and improving existing local bridleways. The County Council is agreeable in principle for various existing Public Footpaths within the site to be uplifted to Public Bridleway by means of Highways Act 1980 Section 25 creation agreements, and external mitigation could be in the form of a financial contribution from the applicant. This will allow the County Council to improve the bridleway network outside the site boundary after negotiation with the relevant landowners.
- A PRow Management Plan including detail on management of PRow before, during and after construction must be prepared for approval by the County Council prior to the commencement of development. This should be approved by the County Council and provided by condition in the event of any future permission granted. This Plan will be expected to ensure safe and convenient access on all PRow during works, unless a Temporary Traffic Regulation Order (details can be found [here](#)) has been granted in advance of works. It should also include detail on the legal processes to be initiated for any PRow creations/diversions and their expected timescales.
- The Masterplan suggests WT256 will be crossed, from north to south, by the access road to the WWTW, the 'Boulevard' and a further estate road in close proximity, and the

'Boulevard' again. The incidence of road crossings should be minimised so as to retain the quality of users' experience, also to limit their exposure to the hazards of vehicle traffic. The County Council considers the impact on path users being disproportionate and lacking regard to NPPF paragraphs 100, 106d, 112a and 112c.

- Given the need to secure a Section 106 Agreement between the applicant and the County Council, the submitted Draft Heads of Terms must be revised to recognise PRow and the County Council.
- Standards will only increase over time, as will access demands, so provision should not limit/ prevent future uplift, for example, consideration of the use of e-cycles.

Conclusion (PRow)

The applicant must supply further information on the above points in order for the proposal to be appropriately considered by the County Council.

The County Council therefore submits a **holding objection** until further information is submitted on the above points. The County Council will then re-assess the proposal and provide further comment. If the Local Planning Authority is minded to determine the application in the meantime, the County Council would request engagement in respect of PRow.

Development Investment

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and considers 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 Appendices 3a-3e).

Request Summary for 170 dwellings on Full Application

	Per Applicable ¹ House (x 152)	Per Applicable Flat (x 15)	Total	Project ²
Primary Education	£6,800.00 ³	£1,700.00	£1,059,100.00	Towards a new primary school in the Paddock Wood Primary Education Planning Group as identified in the applicant's Planning Statement, by Site Layout Plan STR/SS1 and Infrastructure Delivery Plan of the submission Local Plan.
Primary Land	The provision at nil cost to the County Council of a 2.05 Ha land parcel on the development site to accommodate development of a minimum new 2FE Primary School. Land must be provided in line with the County Council's General Land Transfer Requirements.			
Secondary Education	£4,540.00	£1,135.00	£707,105.00	Contribution towards expansion of Mascalls Academy as identified in the Submission Local Plan, or expansion of an alternative secondary school within the Tonbridge and Tunbridge Wells non-selective and West Kent selective planning groups.
Secondary Land	£3,377.03	£844.26	£525,972.46	Contribution towards the land requirement for the expansion of Mascalls Academy.

¹ 'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. KCC requires confirmation on whether the proposed 3 x 1 bed flats are below this threshold.

² Identified projects are in accordance with the Department of Education guidance on Securing Developer Contributions for education dated November 2019 (Paragraph 20), which recommends that a preferred and contingency school expansion project is identified in a planning obligation to enable local authorities to respond to changing circumstances and new information.

³ 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.

Request Summary for 430 dwellings on Outline Application
(assumes all dwelling are Houses for calculation purposes)

	Per Applicable House (x 430)	Per Applicable Flat	Totals (assumes all dwellings are Houses)	Project
Primary Education	£6,800.00	£1,700.00	£2,924,000.00	Towards a new 2FE primary school as identified in the applicant's planning statement and by Site Layout Plan STR/SS1 and Infrastructure Delivery Plan of the submission Local Plan.
Primary Land	The provision at nil cost to the County Council of a 2.05 Ha land parcel on the development site to accommodate development of a minimum new 2FE Primary School. Land must be provided in line with the County Council's General Land Transfer Requirements.			
Secondary Education	£4,540.00	£1,135.00	£1,952,200.00	Contribution towards expansion of Mascalls Academy as identified in the submission Local Plan, or expansion of an alternative secondary school within the Tonbridge and Tunbridge Wells non-selective and West Kent selective planning groups.
Secondary Land	£3,377.03	£844.26	£1,452,122.90	Contribution towards the land requirement for the expansion of Mascalls Academy.

	Per Dwelling (x 600)	Total	Project
Cultural Hub	£437.21	£226,326.00	Towards Tunbridge Wells Cultural Hub - to accommodate increased demand for Libraries, Adult Learning and Social Care generated from this development.
Youth Service	£65.50	£39,300.00	Towards equipment and resources for local Youth Centres, including Outreach Services, serving the development.
Waste	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
	£183.67	£110,202.00	Towards Tunbridge Wells Waste Transfer Station and HWRC expansion.

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 in Appendices 3a-3e.

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 164 additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of school places at a new two form entry (FE) primary school on the proposed development site.

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

Build Contribution

The County Council requires a financial contribution towards construction of the new school at £6,800.00 per applicable⁴ house and £1,700.00 per applicable flat.

Land Contribution and the County Council's Land Transfer Terms

The County Council welcomes the applicant's inclusion of land for a new primary school within its development proposal. In due course, the County Council will request access to the proposed school site so that an initial site survey can be conducted. A new two FE primary school will require a minimum 2.05 Ha site, transferred to the County Council in line with its General Land Transfer Requirements, which are appended to this request (Appendix 3b).

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.

The County Council 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](#) 2023-2027 and [Children, Young People and Education Vision and Priorities for Improvement](#) 2018-2021.

Secondary School Provision

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

⁴ 'Applicable' means: all dwellings except 1 bed of less than 56sqm GIA. KCC requests confirmation on whether the 3 x 1 bed flats proposed are below this threshold.

The proposal is projected to give rise to 117 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 Mascalls Academy, or alternatively towards expansion of an alternative secondary school within the Tonbridge and Tunbridge Wells non-selective and West Kent selective planning groups.

Build Contribution

The County Council requires a financial contribution towards construction of the school expansion at £4,540.00 per applicable⁵ house and £1,135.00 per applicable flat.

Land Contribution

The County Council understands that the neighbouring development proposal (reference: TW/23/00086/HYBRID) will be providing land for the necessary expansion of Mascalls Academy. It is therefore appropriate that this development makes proportionate contributions for the land requirement as it will be benefitting from the provision of new school places. Where the County Council expects the transfer of land to be provided at nil cost, any contributions from neighbouring developments will be passed onto the owner of the site providing the land for secondary expansion.

The County Council requires proportionate contributions towards the secondary school land acquisition cost at £3,377.03 per applicable house and £844.26 per applicable flat (Appendix 3c).

Please note, where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

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

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.

The County Council 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 2023-2027](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

⁵ 'Applicable' means: all dwellings except 1 bed or less than 56sqm GIA. KCC requests confirmation on whether the 3 x 1 bed flats proposed are below this threshold.

Tunbridge Wells Cultural Hub

This new development will generate new users for the County Council Community services including Libraries, Social Care, and Community Learning. To mitigate the impact upon these services, contributions are required towards the new Tunbridge Wells Cultural Hub, which will make additional provision for all these services to accommodate the increased demand from new developments locally.

To accommodate the increased demand, the County Council requests £437.21 per dwelling towards the new Tunbridge Wells Cultural Hub, providing space, stock, services and resources for the local area (Appendix 3d).

Youth Service

The County Council has a statutory duty to provide Youth Services under section 507B of the Education Act 1996. This requires the County Council, 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 County Council services, the County Council requests £65.50 per dwelling towards additional resources for the delivery of the Kent Youth Services including Outreach provision to serve the development.

Waste

The County Council is the statutory Waste Disposal Authority, responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs). 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 WTSs. Existing HWRCs and WTSs are now over capacity (as of 2020) and additional housing has a significant impact on the manageability of waste in Kent.

A proportionate contribution of £183.67 per dwelling is required towards a new WTS and an expanded HWRC to serve Tunbridge Wells residents to mitigate the impact from new housing growth, including this development (Appendix 3e).

In total, the development of up to 1,160 new dwellings proposed by these applications (references: 23/00118/HYBRID and 23/00086/HYBRID) will place significant demand upon the County Council. All residential waste arisings from the district are currently taken for bulking up at North Farm Waste Transfer Station, Tunbridge Wells. Capacity at this facility is limited and the County Council has therefore identified the need for additional capacity to be provided to accommodate future growth.

The Environmental Statement for both residential developments (references: 23/00118/HYBRID and 23/00086/HYBRID) scoped out Waste as a topic, stating:

“It is expected that the waste planning authority will have planned for significant growth in the area for waste generation and ensure the provision of adequate waste disposal options. As a result there should be limited impact on the capacity of waste facilities in the area of the Site as a result of waste generated by the Proposed Development.”

Whilst planning for future waste infrastructure relies on the County Council as Minerals and Waste Planning Authority, the new Tunbridge Wells Local Plan which identifies growth in this area has not been adopted. Therefore, the demand that will be created by the developments has not been fully accounted for/is not currently able to be accommodated.

As set out in the Developer Contributions Guide, the County Council will consequently be including a request for a financial contribution from these developments towards the identified project to create more WTS and HWRC capacity.

Implementation

The County Council considers 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 (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. The County Council would be grateful if a draft copy of any s106 agreement or Unilateral Undertaking prior to its finalisation could be shared at the earliest opportunity.

The County Council requests confirmation on when this application will be considered and that a draft copy of the Committee report is provided 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 The County Council 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

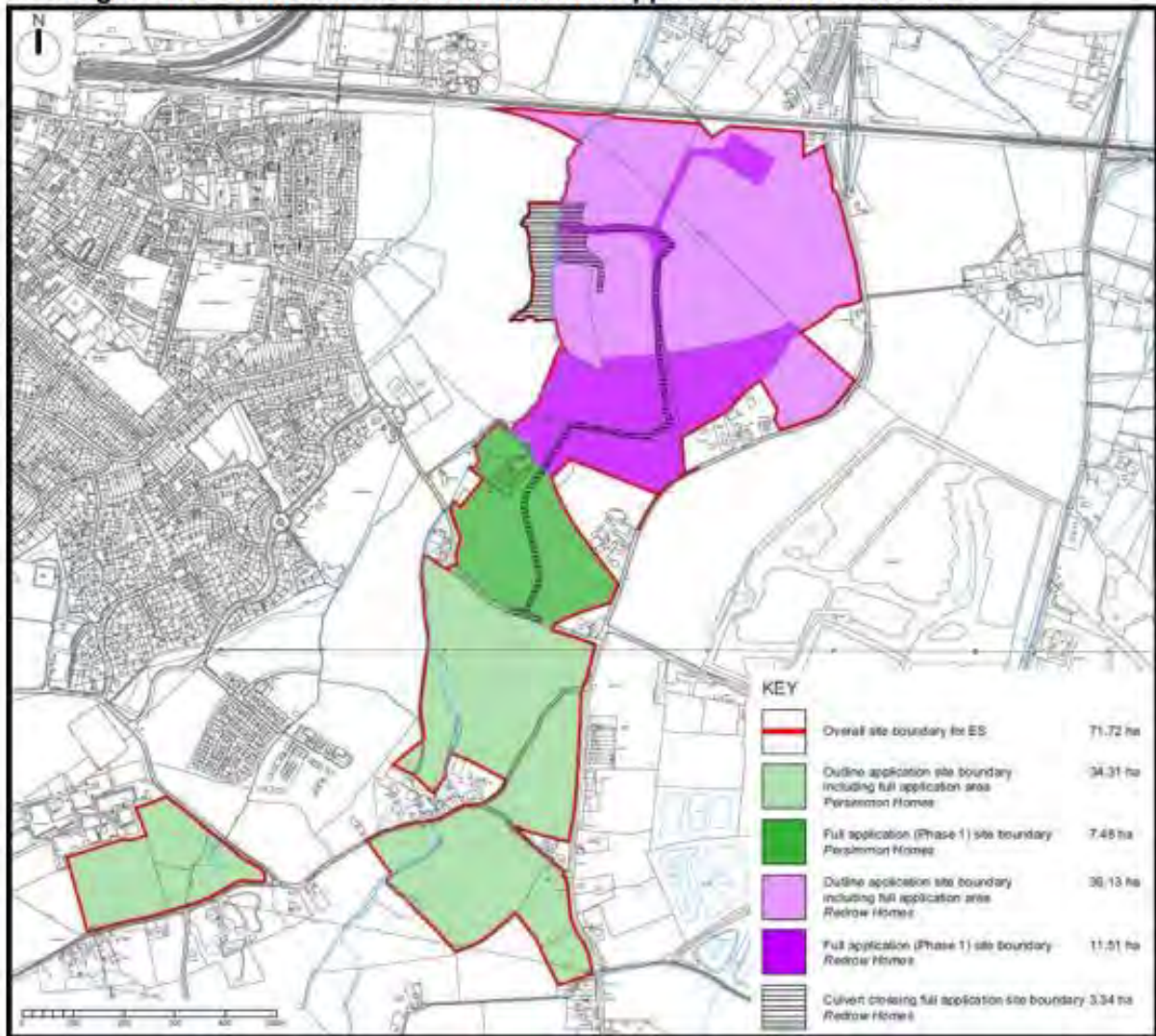
The County Council, as Minerals and Waste Planning Authority, can confirm that the application site is not within 250 metres of any safeguarded mineral or waste facility, and therefore would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted [Kent Minerals and Waste Local Plan \(2013-30\)](#) (KMWLP).

While the area of the application site is not significantly coincident with land-won safeguarded minerals, there are two land-won safeguarded minerals that are slightly coincident and in the general proximity of the application site area. These are the Sub-Alluvial River Terrace deposits on the application site’s immediate western boundary, and

the Tunbridge Wells Sand Formation (Sandstone) that is slightly coincident with part of the application site, in the south. This is shown below in an extract from the application's planning statement and the Mineral Safeguarding Area of the Tunbridge wells Borough Proposals Map of the KMWLP:



Extract of the Site Boundary from the Application's Planning Statement

JAA Figure 2.1 – The Redrow and Persimmon Application Site Boundaries



Mineral Safeguarding Area of the Tunbridge Wells Borough Proposals Map of the KMWLP



-  Sub - Alluvial River Terrace Deposits
-  Sandstone - Tunbridge Wells Sand Formation

The submitted Planning Statement does address land-won mineral safeguarding in relation to the Sub-Alluvial River Terrace deposits, but not the Tunbridge Wells Sand Formation (Sandstone). The applicant argues that exemption criteria 2 and 5 of Policy DM 7: Safeguarding Mineral Resources can be invoked, although only one criterion is required to gain an exemption from the presumption to safeguard, as set out in Policy CSM 5: Land-won Mineral Safeguarding of the KMWLP.

Of the arguments to satisfy the criteria, the applicant states for criterion 2:

“2. that extraction of the mineral would not be viable or practicable; or

We further note that in terms of geographical distribution, the Alluvial River Terrace Deposits identified on the current Tunbridge Wells Borough Mineral Safeguarding Area Plan are relatively widespread across the Borough, and indeed the rest of Kent, where deposits are found in much larger catchments along the main rivers than they are along this relatively thin strip that runs along the bed of the East Rhoden Stream.”

While it is clear that the deposit is a 'thin' ribbon deposit and unlikely to be economically viable to prior extraction, this has not been proved by the applicant. However, the proposed

development identifies the area that is coincident and proximate as green open space. Therefore, it could be argued that the mineral is not being directly sterilised, however, any future extraction would be unlikely to be acceptable if it became in close proximity to the future communities occupying this development.

Criterion 5 of the KMWLP states:

“5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or”

And the applicant’s arguments to meet this criterion are:

“6.23.9 In addition to satisfying criterion 2 [sic] of policy DM7, as set out in this statement the proposed development provides for significant social, economic, and environmental benefits, including the delivery of new housing in an area of significant need which also comprises 40% affordable housing, a matter that should be afforded significant weight. These material considerations should, we believe, override the protection of the mineral resources effected, especially considering the limited extent of the resource there is on this site.

6.23.10 In the context of the above prior extraction is not, given the comments above, practical given the location of the mineral resources and the impact its extract would have on the surrounding landscape, ecological and heritage features, let along the amenity of adjacent residents.”

Whilst paragraph 6.23.9 is an arguable matter, the County Council considers the argument in paragraph 6.23.10 to be more compelling, which relates to when a prior extraction can potentially take place as being a viable mineral extraction operation. As the applicant has not proven that a viable mineral deposit prior extraction operation is not possible, the presumption to safeguard remains effective. However, this would have an unacceptable impact on the environment and communities in the location. Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development, is therefore required to be satisfied.

To conclude, even if a viable mineral deposit prior extraction operation were to be undertaken, it would likely not meet the test of being in accordance with Policy DM 9 of the KMWLP. This is particularly given that field hedgerows/woodland are coincident with this mineral deposit and the close proximity of development that is occurring to the immediate west of the application site that may be occupied by the time that any prior extraction could take place.

The Planning Statement does not refer to the Tunbridge Wells Sand Formation (Sandstone). Although this is an omission, only a small amount of this mineral (a building stone resource) is threatened with sterilisation and, given the lack of any recent demand for this material in Kent and the extensive nature of this massive geological unit over much of the borough area, the County Council considers that criterion (2) of Policy DM 7 would apply. Any further Mineral Assessment submissions to address this omission are therefore not required for this mineral.

The County Council, as Minerals and Waste Planning Authority, has no land-won safeguarded minerals or waste management capacity safeguarding objections regarding this proposal.

Heritage Conservation

In summary, the proposed developments are supported by a very good assessment of the historic environment but there is insufficient proposed mitigation for non-designated heritage assets. Further consideration of suitable mitigation measures is therefore needed prior to determination of the applications to ensure there is not an unacceptable negative impact on the historic environment. There is also a need to consider additional fieldwork assessment prior to determination of the applications to clarify the presence/absence of significant archaeology.

The proposed developments are located within an area which has multi-period archaeological potential, ranging from Palaeolithic remains through to WWII or Cold War structures. There are no designated heritage assets within the application sites, however, there are designated buildings adjacent and their settings could be impacted. The proposed development sites contain known non-designated heritage assets including the 19th/20th century Hop Pickers Line and a possible Medieval moat complex. Further archaeology is identified within the site through recent assessment and there is potential for as yet unknown archaeology to survive.

Based on current information, the proposed development sites lie within the wide valley of the River Medway and a significant stream, East Rhoden Stream, runs down the west side. The proximity of River Terrace Gravels and the presence of Alluvium within the site means there is potential for Palaeolithic and Prehistoric remains. Prehistoric activity in this Wealden area of Kent is not well understood but it is assumed thick woodland predominated with routeways criss-crossing through the land, especially close to water channels. There is some recent evidence of Mesolithic activity sites and woodland plants and animals and water are key resources needed. Iron Age and Romano-British utilisation of the resources including timber, iron-working and woodland management probably took place, with more established routeways connecting isolated small holdings, settlements and industrial sites. The geophysical survey may have identified a Bronze or Iron Age settlement within the Redrow development site.

There may be isolated small holdings of Early Medieval origin within this general area but even during the Medieval Period it is likely there were just single farms and small holdings with surrounding “*assarts*” and woodland clearance for farming. Moat Plats on the Persimmon’s development is considered to be a Medieval moated complex, possibly of manorial high status, located on, and utilising, the natural stream on the western side. This moated complex would have been served by a variety of routeways and would have had control over some of the surrounding land. Some of the field boundaries and routeways evident now may be directly related to this Medieval site.

The development sites are both bordered by a variety of Post Medieval farms and small holdings. Their immediate and wider landscape settings survive in places but the origin and

multi-period and multi-functions of each building is not necessarily clear at this stage. There are some additional buildings identifiable on the Tithe Maps which may survive within the application sites below ground. As such, there is a network of multi-period and multi-functional buildings, routeways, fields and land use reflecting Medieval, Post Medieval and Early 20th century horticulture, farming and industry; all components of the archaeological landscape of this area of Kent. Nearby are later Post Medieval industrial sites, such as the brickworks and brick kilns south of Chantler's Hill to the south.

Of considerable importance is the Hop Pickers Line which crosses the Redrow Development site to the north. This railway was a specifically built branch line leading off the main railway to take seasonal workers to the hop fields across the countryside towards Hawkhurst. It was built around the 1890s and dismantled in the 1960s and reflects the special horticultural heritage of this area of Kent. Although much of the fabric of the line seems to no longer survive, it is still an archaeological landscape feature. Some associated structures and parts of the line survive and it is still reflected in the field boundaries. This is a unique heritage asset, is particularly part of Paddock Wood's heritage and links the area to other parishes of Kent through to Hawkhurst. There is a special report on the line commissioned by Tunbridge Wells Borough Council which needs to be a guiding reference for the proposed development schemes.

Although there are a few recorded crash sites nearby, there is little Historic Environment Record (HER) data on 20th century military and civil defence archaeology within or adjacent to the development scheme. However, the lack of data does not necessarily mean there are no 20th century military or civil defence structures within the site.

In summary, the proposed development sites do have known important heritage assets on and nearby and there is potential for significant archaeology below the current surface. Moat Plats medieval site and the 19th century Hop Pickers Line are of particular importance but there is potential for little known prehistoric occupation sites.

With regard to the applicant's assessment of the historic environment, the assessment by the archaeological consultant RPS is supported. The County Council welcomes the Archaeological Desk Based Assessment (DBA) with the Geophysical Survey report, the Built Environment Statement and in particular the Historic Landscape Assessment, and has provided comments on these documents below.

Archaeological DBA (Redrow development site)

The County Council is supportive of this DBA, but would welcome additional assessment of Early Prehistoric potential and the implications of the Alluvium and stream along the west side of the site. The County Council would also welcome a more detailed account of the Hop Pickers Line. There seems to be more on the Medieval moated site south of this application site rather than on the linear heritage asset on the site itself. There is high potential for remains associated with the construction, use and dismantling of the railway line.

Geophysical Survey

The County Council welcomes this pre-determination fieldwork but notes that only about half the development scheme area was covered. The survey did locate anomalies and potential archaeology, particularly in the Redrow site on the western side, which may be evidence of a prehistoric settlement. There is a need to test the anomalies through trenching to understand the nature and significance of archaeology.

Built Environment Assessments (Redrow and Persimmon developments)

The County Council considers that the assessment is reasonable but there is a focus on the historic farms as isolated buildings without considering their place within the wider landscape, particularly the field system and routeways. This is needed to ensure appropriate understanding of the origins, multi-functional historic use and relationship to the immediate surroundings. The assessment of the Hop Pickers Line is disappointingly brief and emphasises negative elements. For example, contrary to paragraph 4.3, the line is still a noticeable landscape line and there are known remnants, such as surviving track to the west end, with high potential for as yet unidentified structural remnants. This is a significant linear archaeological landscape feature and needs to be assessed in detail, particularly the north western end of the line where known structural remains survive within the woodland.

Historic Landscape Assessment (Redrow and Persimmon Developments)

The County Council welcomes this assessment, however, the consideration of the East Rhoden Stream along the western boundary is insufficient. This water channel is still active, flowing south to north but its longevity is represented in the extent of Alluvium. It could very easily have been a focus for prehistoric and later settlement and activity. A more robust description of the geology and topography would be useful in order to provide a sound assessment of the palaeo-landscape and suggest the potential origins of field boundaries and routeways, both visible ones and those that are lost. The background account 1.3 is not entirely applicable to the Weald. There is no evidence to date of prehistoric or Roman woodland clearance in this area and it seems more likely that this area was fairly dense woodland until the later Medieval and Post Medieval Periods with occasional isolated communities and industrial sites linked through occasional routeways. There is growing evidence of sporadic or seasonable Mesolithic communities through the Weald with activity, such as iron-working, gradually increasing during the Iron Age period. If there is a prehistoric settlement on the application site, evidence of its landscape context could be very important. In addition, Moat Plats is located and fed by the East Rhoden Stream but it is not clear if the stream has been diverted to fill the moat ditch or whether the moated site was integrated into the natural channel. It is therefore important to understand the nature of the East Rhoden Stream and its valley.

The specialist reports mentioned above are generally supported but there is a slight lack of consistency between the reports. KCC suggests an integrated approach to heritage provides greater depth and robustness, placing prehistoric archaeology in its palaeo-landscape; ensuring the origins and reasons for industrial sites and sites involving water are considered;

understanding the land around farm complexes, not just the buildings themselves; understanding the reason for routeways and field boundaries.

The comprehensive assessment of heritage is not well reflected in the Planning Statement nor in the Design and Access Statement although there is some welcomed consideration. KCC does not consider the proposed mitigation for archaeology to be sufficient or appropriate. For example, it may be that buried archaeology can be addressed through a programme of investigation leading to preservation in situ and/or preservation by record, but “*evaluation*”, as mentioned Planning Statement paragraph 6.14.6, is not detailed mitigation but part of a process to determine presence/absence. Detailed mitigation for buried archaeology is more complex and needs to be fully informed and appropriate.

The Redrow Development site may contain a prehistoric settlement at least, based on current information. This may be of considerable significance given the rarity of known prehistoric settlements in this part of the Weald. It should not be assumed that preservation by record is sufficient mitigation (Planning Statement paragraph 6.14.11). Further fieldwork to “*ground truth*” the geophysical survey results needs to be considered before the Masterplan is finalised.

KCC notes the proposals for “*positive heritage measures*” for preservation of the medieval moat and the Hop Pickers Line. However, the proposed mitigation for the currently known and visible heritage assets of Moat Plats and the Hop Pickers Line is not sympathetic and is detrimental to their significance. For example, the Planning Statement on Archaeology within the Persimmon Development site suggests the impact on the alteration of the setting of the medieval moated site is “*considered to be low*”. This is not the case because the moated site shown in the Masterplan is left as an isolated block of land with no connections to the active stream, an essential part of its significance, or the surrounding land with the proposed road system acting as a division. The Masterplan of the Persimmon Development site does not seem to reflect the historic landscape, particularly the 19th century field boundaries. In contrast, the Bus Link Application area within the Redrow Development site does seem to reflect 19th century field system, which is welcomed.

The Planning Statement suggests the proposed development represents “*an enhancement*” of the Hop Pickers Line heritage asset, however, KCC does not agree with this. The Masterplan suggests the Hop Pickers Line will be retained as a narrow strip of land hosting a footpath. Soft natural landscaping with a footpath does not reflect a railway line. The branch railway line would have been fairly wide and a combination of metal and wood with hard foundation. To provide genuine positive enhancement of this heritage asset, more suitable measures should be considered including, for example, a hard or gravelled surface wide enough to host a railway track with identification, protection and conservation measures for surviving remains, especially towards the North West end.

In summary, these hybrid largescale proposed developments could have a major impact on the historic environment, particularly on the heritage assets of Moat Plats and the Hop Pickers Line. The heritage assessment is good and KCC particularly welcomes the Historic Landscape Assessment and the geophysical survey. However, the consideration of heritage

in the Planning Statement, the Design and Access Statement and in the proposed Masterplan is not sufficient or appropriate.

The County Council recommends that, prior to determination of these applications, there should be additional assessment of Moat Plats and the Hop Pickers Line with more appropriate mitigation proposed and this should be reflected in the Masterplan. In view of the geophysical survey results, the County Council also recommends that further fieldwork assessment is undertaken to clarify the presence/absence of significant archaeology.

As part of this largescale, strategic scheme, the County Council would welcome more details on suitable positive heritage mitigation measures with more sympathetic and appropriate treatment of Moat Plats and Hop Pickers Line. Some of these measures could be included within a s106 Agreement and be part of a Heritage Interpretation and Management Framework.

Once the additional pre-determination assessment works have been undertaken, it may be that archaeological concerns can be addressed through a range of conditions and part of a s106 Agreement.

The County Council therefore places a **holding objection** on the application until further information is submitted in respect of heritage conservation.

Sustainable Urban Drainage Systems (SuDS)

The County Council as Lead Local Flood Authority provided the following commentary direct to the Borough Council on 24 February 2023 (Appendix 4).

Biodiversity

The County Council has reviewed the application documents and notes that a whole suite of ecological information has been submitted, including:

- Species surveys
- Ecological mitigation strategies
- Ecological Management Plan

The County Council would therefore anticipate that the submitted information will provide an understanding of the ecological impact of the proposed development. However, it is advised that Tunbridge Wells Borough Council must be satisfied that that the information is sufficient and appropriate to ensure that policy and legislation can be considered when determining the application.

Where habitat creation has been proposed as part of the ecological mitigation or enhancements, the County Council recommends that the landscaping/parameter plans must demonstrate that it can be implemented.

The County Council also highlights the need to ensure that the proposed management for the open spaces is appropriate and can be implemented in the long term.

Sport and Recreation

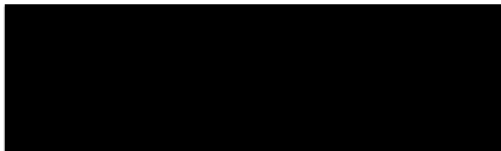
The County Council is concerned with the lack of provision for sport and physical activity and would welcome a conversation with the applicants on their plans for open space and the provision of the local centre, to ensure that the sport and physical activity needs of the local community are met.

The County Council may have access to funding to support this increased provision and any additional needs facilities which may need to be considered as part of these applications.

The County Council will continue to work closely with Tunbridge Wells 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 Tunbridge Wells 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,



Stephanie Holt-Castle
Director for Growth and Communities

- Enc.
- Appendix 1: LHA response provided direct on 13.03.2023
 - Appendix 2: Extract of the Network Map
 - Appendix 3a: Education Assessment
 - Appendix 3b: Kent County Council General Land Transfer Terms
 - Appendix 3c: New School Land Costs
 - Appendix 3d: Communities Assessment
 - Appendix 3e: Waste Assessment
 - Appendix 4: LLFA Response provided direct on 24.02.2023

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Highways and Transportation

Kroner House

Eurogate Business Park

Ashford

TN24 8XU

Tel: 03000 418181

Date: 10 March 2023

Our Ref: LRG/LHG/AJC/1

Alessandra Sartori - GT GC
<Alessandra.Sartori@kent.gov.uk>

Application - TW/23/00118/HYBRID

Location - Land West Of Queen Street, Paddock Wood, Tonbridge, Kent, TN12 6NP

Proposal - Hybrid Application: Full Application for erection of 170 homes and Waste Water Treatment Works together with temporary construction/haul road off Queen Street to enable the delivery of the Waste Water Treatment Works and up to 150 dwellings, Outline Application (appearance, landscaping, layout and scale reserved) for the erection of up to 430 additional homes, inclusive of associated infrastructure including land for a new primary school, play areas, allotments, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space and associated works,

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

1. Introduction

1..1 A joint Transport Assessment (TA) has been submitted for the following applications:

1. 'The Redrow Development' - Full planning application for erection of 170 homes and Waste Water Treatment Works together with temporary construction / haul road off Queen Street to enable the delivery of the Waste Water Treatment Works and up to 150 of the 170 dwellings; and outline planning application (appearance, landscaping, layout and scale reserved) for the erection of up to 430 additional homes, inclusive of associated infrastructure including land for a new primary school, play areas, allotments, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space and associated works
2. 'The Persimmon Development' - Full planning application for erection of 160 homes and outline planning application (appearance, landscaping, layout and scale reserved) for the erection of up to 400 additional homes, inclusive of associated infrastructure including land for specialist accommodation for the elderly, expansion of the secondary school, a local centre, play areas, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space and associated works

3. 'The Bus Link Application' - Full planning application for construction of bus, pedestrian, and cycle link between the land at Church Farm and land at Knells Farm, together with associated works.

The Transport Assessment assesses the cumulative impacts of the developments and this had been reviewed and the following comments are provided:.

2. Submission Local Plan

- 2..1 The sites sit in the Eastern Parcel of the Masterplan Areas for STR/SS 1 Paddock Wood and East Capel Strategic Policy of the Submission Local Plan.

3. The Redrow Development - 23/00118/HYBRID

- 3..1 The Redrow Development forms the northern part of the Masterplan for the current applications and sits east of the Church Farm Development.
- 3..2 For the outline application area of 430 homes, matters of appearance, landscaping, layout and scale are reserved except means of access.
- 3..3 The area of the full application for 170 homes is located at the southernmost section of The Redrow Development and forms Phase 1 (full application) of the Redrow Development – 'RP1'. As shown on the Phase 1 - Site Layout Plan, the site access to RP1 is taken from The Persimmon Development, via an in-site 'Boulevard'.
- 3..4 The full application also includes the delivery of the Waste Water Treatment Works, located at the northern terminus of the Boulevard.
- 3..5 The remaining 430 homes that form the outline element of the Redrow application are also to be accessed through the Persimmon Development, via the main Boulevard.

Access Strategy within site

- 3..6 A Highway Design Code had been developed for both the Redrow and the Persimmon sites, pre-application with consultation with the KCC agreements team. This outlined the requirements and typical features for each type of road hierarchy:
 - The 'Boulevard' is the Primary Route within site and is proposed to be adopted:
 - 30mph maximum speed (20mph in vicinity of schools/play areas)
 - 6.75m carriageway width
 - Two-way cycleway of 3m width. Segregation of 2m verge from carriageway provided.

- o Footway on each side of 2m width
 - o Maximum distance between speed constraints – 150m
- Secondary Routes ‘Streets’ are proposed within site and link to and from the Boulevard.
 - o 20mph maximum speed
 - o 5.5m carriageway width (if non-bus route)
 - o Cycles to utilise carriageway
 - o Footway on both sides
 - o Direct access frontage
 - o Maximum distance between speed constraints – 100m
- Tertiary routes ‘Lanes’
 - o 20mph maximum speed
 - o 4.8m carriageway width
 - o Cycles to utilise carriageway
 - o Footway on at least one side of 2m width
 - o Direct access frontage
 - o Maximum distance between speed constraints – 60m
- Shared surfaces
 - o 10mph maximum speed
 - o Maximum distance between speed constraints – 40m

3..7 The site plan drawing 09268-FPCR-N1-XX-DR-A-0001, shows 2m wide footways and a segregated 3m cycleway (two-way) set-back at least 2m from the primary Boulevard route. This in accordance with the above principles. A road safety audit (RSA1) is required of the proposed set-back cycle priority over the side roads.

3..8 Where there is a shared surface area in site, a 1m verge service strip needs to be provided. In addition, any of the shared surface of 4.1m or less is not suitable for a HGV or an 11.4m refuse vehicle.

3..9 The refuse servicing and delivery strategy for the full application site is required, identifying proposed collection locations and with tracking of these vehicles across the site in accordance to the intended routing. Additionally swept paths are required to evidence tracking and turning of refuse, delivery and emergency vehicles. It is noted that plans 19216-TK01, 02, 03 & 04 are missing from submission, please arrange for these to be provided.

- 3..10 The TA further states “in general, the maximum desirable longitudinal gradient on the footway / cycleway network, including Greenways, within the site will be 2.0% (1:50). Where natural changes in level are unavoidable, short sections of no less than 30m in length may be constructed at 5.0% (1:20). Where these exist, flat platforms of at least 5.0m in length will be provided.” This would meet design requirements for the mobility impaired as per Kent Design Guide. Confirmation is needed that the footways within site are to be DDA compliant.
- 3..11 It is also noted that “the principal access corridors for pedestrians and cyclists will be lit” and consultation should take place with the KCC Street Lighting team and this can be done through the Outline Technical Review process:
<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>
- 3..12 Raised tables on the Boulevard have been incorporated to the full application Site Layout Plan. These have been provided within the appropriate maximum distance between speed constraints. At this site, it is further noted that there is a bend in the alignment of the Boulevard. The forward visibility at this bend in each direction needs to be provided.
- 3..13 The Site Layout Plan shows a significant number of dwellings with direct access to the primary distributor route, with a number of those being tandem parking. This will lead to parking and turning along the distributor road, interfering with the passage of the buses. It is recommended that the number of properties with direct accesses kept to a minimum.
- 3..14 Where trees are proposed along the distributor route evidence of visibility splays from the accesses are required. In addition, the TA states “Inter-visibility splays of 2m x 2m will be provided at crossovers, path junctions to maintain pedestrian safety” – These pedestrian visibility splays need to be provided at all vehicular accesses and maintained to 0.6m in height.
- 3..15 The Waste Water Treatment Works is to be located at the northern terminus of the Boulevard. Please confirm the largest vehicle requiring access to this facility and provide tracking showing the vehicle is able to access the site, turn and leave in a forward gear.

The development to the north of the proposed Church Road access is to serve a total of 760 homes plus a Waste Water Treatment Works and a primary school. Kent Design Guide requires a second access for this scale of development.

- 3..16 The layout of the full application sites will be subject to consultation with KCC Agreement’s team and this can be done through the Outline Technical Review process:
<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Visibility Splays

- 3..17 For junctions within the full application sites, The TA notes – “the local street network is designed to incorporate natural speed attenuation based on a target maximum speed of 20mph on the Boulevard and 15mph on side roads.”
- 3..18 The visibility splays from the side roads off the main Boulevard have been provided on the Phase 1 Site Layout drawings. Despite the drawn splays corresponding to a 20mph design speed, it is noted that the Highway Design Code outlined in Appendix 9 sets out aspirations for the Boulevard to have a maximum speed of 30mph. The TA also sets out for the Boulevard to have a design speed of 30mph. Therefore, this discrepancy in information needs to be confirmed such that the visibility splays in the full application site can be fully assessed.
- 3..19 The developer should ensure that there is adequate traffic calming or road alignment considered to limit speeds to the design speed.

4. The Persimmon Development - 23/00086/HYBRID

- 4..1 The Persimmon Development forms the southern part of the Masterplan for the current applications and sits east of the Mascalls Court Farm Development.

Church Road Vehicular Access – Phase 1

- 4..2 The area of the full application for 160 homes on the Persimmon site, Phase 1 (PP1), is located to the north of Church Road with access proposed via a new priority junction with right turn lane as shown on Drawing Number 19216-GA-00 .and outlined in figure 5 of the TA. A RSA1 is required, tracking and submission through the KCC Outline Technical Review process.
- 4..3 During Phase 1 this junction would serve the full application parts of both developments (160 homes + 170 homes) and the Waste Water Treatment Works. In line with Kent Design development over 300 homes require a second access and this should be addressed.
- 4..4 Visibility Splays at the new junction onto Church Road from the Phase 1 development are shown on Drawing Number 19216-GA-00 comprising of 2.4m x 78m to the west and 2.4m x 79m to the east. For the measured 85th %ile speed of traffic at this location, these splays are appropriate, however, the drawing does need a scale bar so that the dimensions can be fully checked.

Church Road Vehicular Access – Full Development

- 4..5 For full development of both the Redrow and Persimmon sites, the access arrangement from Church Road is proposed to be formed as a staggered crossroad as shown on Drawing number 19216-GA-003. This is outlined in figure 6 of the TA. Tracking diagrams, RSA1, visibility splays based on the 85%ile dry weather speeds and calculated using MfS and submission through the KCC Outline Technical Review process.
- 4..6 It is noted from the TA – *“for the buildout of the detailed elements of the planning application proposals, the junction onto Church Road will be first formed with its northern arm only, with the ability for the junction to be adapted to serve the wider development when it is brought forward.”*
- 4..7 Paras 3.52 and 3.53 of the TA indicate proposals to extend the 30mph speed limit past the new junction on Church Road and drawings are required of the extent of the speed limit with signing, road marking and gateway features shown.
- 4..8 Access to the outline elements of the Persimmon site is to be taken from the south side of Church Road with a distributor road connecting with Mascalls Court Road. The Design and Access Statement notes – *“Vehicular access around the site includes a main north/south boulevard through the site providing access to secondary roads. The boulevard will support bus movement and be provided with tree-planted verges to segregate pedestrian and cycle infrastructure.”* Para 3.69 indicates the distributor road to the development sites south of Church Road is to be 5.5m wide and this is not sufficient for a bus route which requires a width of 6.75m.
- 4..9 To the south of Church Road the distributor road serves 175 homes and also links to Mascalls Court Road from which a further new access is also proposed to serve 70 homes and a separate emergency access is required. Access to parcel PP4 is proposed via Mascalls Court Lane and this would serve 156 homes which would also require a separate emergency access.
- 4..10 Drawing numbers 19216-TK01 Phase 1 Site Access Swept Path Analysis, 19216-TK02 Full Development Site Access Swept Path Analysis (Refuse Vehicle), 19216-TK03 Full Development Site Access Swept Path Analysis (Bus), 19216-TK04 Bus Crossing Swept Path Analysis are listed in the contents page as being included in the plans but are missing. Please could these be provided along with 19216-GA-07 and 19216-GA-01-07 for highway general arrangement which are referred to but not included with the plans or the appendices.
- 4..11 An extension to the secondary school is shown and further detail of access arrangements is required.

4..12 Visibility Splays at the site accesses from Church Road for both the Phase 1 layout, and the staggered crossroads layout for the full development, require visibility splays based on the 85%ile dry weather speeds and calculated using MfS.

Southern Section – Points of Access

4..13 Drawings are provided showing the proposed junction layouts for the full development site and the realignment of Mascalls Court Farm. Comments are as follows:

- Junction 1. Drawing Number 19216/GA/02B shows the junction of the proposed new distributor road with Mascalls Court Road and proposes a priority junction with priority given to the new distributor road. Tracking diagrams and a RSA1 are required. Visibility splays should be based on the 85%ile dry weather speeds along Mascalls Court Road. The proposed junction provides no deflection for vehicles travelling ahead from Mascalls Court Road and may lead to collisions due to failure to give way. Where the pedestrian and cycle crossing is proposed on Mascalls Court Road, visibility splays should be shown reflecting the stopping distance for the 85%ile speed of traffic.
- Junction 2. A width of 6.75m is required to allow for a bus service. A development of c. 100 homes requires a separate emergency access.
- Junction 3. Drawing number 19216/GA/01B shows a change of priority at the junction of Mascalls Court Road/Mascalls Court Lane together with a realignment of the carriageway. Visibility splays, tracking and RSA1 are required for this drawing and also submission through the outline technical review process. The proposals for the realignment of Mascalls Court Road will include a stopping up Order of the existing highway and the applicant will be required to process this through the Town and Country Planning Act.
- Junction 4. A new junction is proposed from Mascalls Court Lane to serve c 150 homes. Visibility splays should be informed by speed surveys in accordance with CA185. Again, tracking and RSA1 are needed together with an emergency access.
- Junction 5. A new junction to serve existing properties from the realigned Mascalls Court Road. The access should be widened at its junction with Mascalls Court Road to allow a vehicle to enter the access when another is leaving. Visibility splays should be informed by speed surveys in accordance with CA185. Again, tracking and RSA1 are required. Please clarify whether this access replaces the existing access to Mascalls Court Farm and if it is to include access to the farm. The access should be designed to accommodate the largest vehicle requiring access and turning provision suitable for the refuse vehicle as a minimum.

- Junction 6. A new junction is proposed from Mascalls Court Road to serve 32 homes. Visibility splays should be informed by speed surveys in accordance with CA185. Again, tracking and RSA1 are required.

4..14 Additional plans are also needed showing tracking and visibility splays for the junctions of:

- o Church Road/Queen Street
- o Mile Oak Road/Mascalls Court Road
- o Mile Oak Road/Mascalls Court Lane
- o Chantlers Hill with the B2160
- o All other locations identified on the Masterplan with 'C' Proposed Vehicle Access Points

Access Strategy within site

4..15 The site layout for the Persimmon full application site is provided on Drawing Number 09268-FPCR-N1-XX-DR-A-0001. The design principles are the same as for the Redrow site and include 2m wide footways and a segregated 3m cycleway (two-way) set-back at least 2m from the primary Boulevard route. A road safety audit is required of the proposed set-back cycle priority over the side roads. The comments made regarding the Redrow site layout also apply to the Persimmon site layout.

Connections to and from outside of development sites

4..16 Further detail is required to demonstrate the connectivity of the footways and cycleways between the sites to the Town Centre, schools and train station. Additionally, in consultation with the KCC PRoW tea, further detail on how the PRoWs link safely with existing routes and where improvements can be made to allow use by cyclists.

5. Temporary Construction Access from Queen Street

5..1 The construction access to phase 1 is proposed via Queen Street. A width of 5m is proposed and this is insufficient for 2 HGV's to pass which could lead to vehicles waiting on Queen Street to manoeuvre into the site access. Additionally, the width of Queen Street is insufficient for 2 HGVs to pass and this is apparent from the swept path diagrams shown on Drawing number 19216/CA/01. The arrangements for the construction traffic should be amended to allow for vehicles to pass safely at the site access and along the construction route. Further details of the construction phases are required including the route to be taken by construction vehicles towards the strategic road network, the number of traffic movements generated, the duration of the construction period for each phase and this information included in a Construction Management Plan.

5.2 Visibility from the proposed construction access onto Queen Street is also shown on drawing number 19216/CA/01 comprising of 2.4m x 83m to the left and 2.4m x 87m to the right which is appropriate for the measured speed of traffic at this location. However, the drawing does need a scale bar so that the dimensions can be fully checked.

6. Parking in Full Development Sites

6.1 The parking layout is shown on the Phase 1 Site Layouts for each respective application. This shows how parking is allocated and to which dwelling. My commentary is as follows:

- Parking allocations for all 1-bed and 2-bed plots meet requirements.
- For 3-bed units. Kent Design Guide requires a minimum of 1.5 vehicle parking spaces with the allocation of one space per unit possible. Where just 1 space is allocated to a 3-bed unit, there is an additional visitor (unallocated) space that can be shared by two 3-bed units. There is sufficient parking provision located nearby for all 3-bed units.
- A significant number of 4-bed units have tandem parking spaces, or tandem spaces plus a garage. KCC does not include garages in total provision. Furthermore, tandem parking spaces are not attractive to residents and are often underutilised. Kent Design Guide requires a minimum of 2 independently accessible spaces per 4-bedroom unit. Alternative arrangements should be considered to avoid indiscriminate parking. Please note the conversion of the garage to a car barn or car port will not be acceptable in this scenario when sited behind the tandem spaces, or form a tandem parking arrangement.
- KCC's emerging parking standards recommend an additional 'off plot' space for four-bedroom units. I would like to request identification of additional off-plot parking spaces for all four-bedroom units with tandem parking and garages. These could be additional unallocated visitors' spaces. (This is in addition to the 0.2 spaces per unit across each development)
- The Redrow Site:
 - o Plot 19 has 0 car parking spaces allocated to it
 - o The parking to plot 41 is annotated as plot 43, which is assumed to be an error but please can this be clarified.
 - o Regarding the concern raised previously in relation to 4-bed units without 2 independently accessible spaces – when considering the site plan and layout of visitor spaces, 4-bed unit plots 5, 45, 58, 59, 100, 132 and 133 do not have visitor spaces nearby
- The Persimmon Site:
 - o on plot 93, the car barn is annotated as '92'. Can it be clarified as to whether this should be a car barn for plot 93, in tandem with the other space at no. 93.
 - o on plot 96, the car barn is annotated as '95'. Can it be clarified as to whether this should be a car barn for plot 96, in tandem with the other space at no. 96.

- on plot 132, the car barn is annotated as '131'. Can it be clarified as to whether this should be a car barn for plot 132, in tandem with the other space at no. 132.
 - on plot 146, the car barn is annotated as '145'. Can it be clarified as to whether this should be a car barn for plot 146, in tandem with the other space at no. 146.
 - Regarding the concern raised previously in relation to 4-bed units without 2 independently accessible spaces – when considering the site plan and layout of visitor spaces, 4-bed unit plots 77, 78, 79 and 80 do not have visitor spaces nearby
 - Furthermore, visitor parking for plots 1, 2, 3, 4 and 5 are a distance away from these 4-bed plots
- Please can the applicant provide details of the dimensions for all parking spaces. KCC's emerging parking standards recommend that a standard reverse in / reverse out space should be 2.5m x 5.0m. In addition:
- An extra 20cm should be added to any side with a wall or other barrier likely to affect the ease of opening doors (a space between two walls should therefore be 2.9m wide).
 - An extra metre should be added to the rear of any reverse in / reverse out bay where the space abuts an access door or garage door (if it is to swing forwards – please clarify)
 - A 50cm setback should be provided between any footway or carriageway and the parking space.
 - Tandem spaces should be increased to 11.0m in length
- For the parallel visitor spaces – KCC's emerging parking standards recommend that a standard parallel parking space should be 2.5m by 6.0m.
- Garages:
- Although garages do not count towards the number of parking spaces provided, KCC's emerging parking standards do have minimum dimensions to encourage their use for parking alongside likely utility / storage use.
 - The dimensions of single garages and twin garages have been indicated in the House Type Pack on drawings 09268-FPCR-S1-XX-DR-A-0260 and 09268-FPCR-S1-XX-DR-A-0262.
 - Using the scale bar provided, this shows 3m x 6m (W x L) for single, which falls under the minimum internal dimensions of 3.6m x 7m minimum from the emerging parking standards.

- The double garages have a dividing wall. Therefore, both portions of the double garage should each meet the above standards. The drawing is shown to measure 3m x 6m (W x L) for each portion and therefore falls under the minimum internal dimensions.
 - The minimum internal dimensions for a double garage (without a dividing wall) is 7.0m (depth) x 6.0m (width).
- Car Barns single and twin:
 - The dimensions of single car barns and twin car barns have been indicated in the House Type Pack on drawing 09268-FPCR-S1-XX-DR-A-0261.
 - The KCC emerging parking standards requires for a minimum of 2.5m x 5m (W x L) single car barn, and a minimum of 5.5m x 5m (W x L) double car barn.
 - The drawing shows that these standards are met
 - Electric Vehicle Chargepoints:
 - o The TA notes “Electric Vehicle Charging Points (EVCPs) will be provided to accord with new Kent Design Guide standards. For residential uses, dwellings with on-plot parking will be provided with 1 active charging point per dwelling with a minimum output rating of 7kW whilst dwellings with unallocated communal parking will be provided with 10% active charging spaces and 100% passive charging spaces. Passive provision comprises the provision of ducting to enable cabling / connections to be installed at a later date.” This proposal is acceptable.
 - o Cycle Parking:
 - o The TA states “Cycle parking facilities will be provided either within the curtilage of each residential dwelling (in garages where applicable) or communal stores dependent upon the finalised accommodation mix. Cycle parking for non-residential uses will be provided in sheltered, secure and communally accessible locations”
 - o For C3 residential use, cycle parking is proposed to be allocated on 1 space per bedroom, which is acceptable.
 - o Details of cycle parking provision for Phase 1 of both developments can be covered by condition, such that it can be shown how the space can accommodate for the bicycles.
 - Car Club
 - o Car club provision is to be included in the development and further details would be welcomed together with an appropriate condition towards car club membership for the new residents.

7. Bus Access

7..1 The KCC Public Transport team have been consulted internally and comments will be provided once received.

Bus link - TW/23/00091/FULL

7..2 A bus only access is proposed to link in the northern part of the site, from the western site boundary at Church Farm. This is to facilitate a proposed demand-responsive bus service through Paddock Wood. A bus gate is also proposed. The Design and Access statement notes – “The main route will accommodate a bus route with the northern section of the site controlled by a bus gate to the north west within the Redrow development.”

7..3 The highway design of the bus link is shown in Appendix 10 of the TA.and the RSA1 at Appendix 11.

7..4 The proposals for the bus link and the bus gate should be submitted through the KCC Outline Technical Review process:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Bus access throughout the sites

7..5 In relation to the access from Church Road, during Phase 1 of the Development (i.e. the northern arm), the TA states “The side road arm serving the proposed development will be provided to a width of 6.75m to accommodate a bus route. This road width accords with the principles of the Kent Design Guide which identifies that a ‘Distributor Road’ to serve 300+ dwellings should be provided to a 6.75m width. The road will ultimately form the main Boulevard through the site.”

7..6 However, in relation to the section of Boulevard to the South of Church Road where it intersects with Mascalls Court Road and Mascalls Court Lane, it is noted that the Boulevard is to be typically provided with a 5.5m carriageway width which falls short of the 6.75m required for a bus route.

8. Baseline Data

Personal Injury Collisions

8..1 The area covered in the TA shows no particular problems, however it is requested that the scope of assessment is extended to include:

- The B2016 to and including its junction with the A21
- The route to the A21 through Mile Oak, Pixot Hill, Brenchley to the A21

- Chantler's Hill, including its junctions with Mascalls Court Road and the B2160
- B2017 between its junction with the B2160 Maidstone Road to the junction with the A26
- Queen Street north of the railway line to and including the junctions with Lucks Lane and Wagon Lane
- Lucks Lane and Wagon Lane including their junctions with the B2160 Maidstone Road
- B2160 Maidstone Road to and including its junction with the A228 at the Hop Farm roundabout
- A228/Whested Road
- A228 Colts Hill

9. Traffic Impact of Development

Trip Generation

- 9..1 The trip generational potential of the development has been analysed in section 6 of the TA. The vehicular trip rates used for the Local Plan Evidence Base has been applied. The use of the strategic trip rates used for the borough wide Local Plan assessment may not reflect the characteristics of the Paddock Wood development site and so a bespoke assessment of trip generation using TRICs for sites with similar characteristics is required, as was provided in the original pre application scoping. The reduction of the trip rates by 10% should be an additional sensitivity test.
- 9..2 The residential trip rates used in the TA are 0.48 (two way) for both the AM and PM peaks, however these should be updated as previously mentioned. For the first phase of development (330 units) this would equate to 158 two-way vehicle movements. A 10% reduction for sustainable travel would result in 142 vehicle trips in the peak hours. Using the same trip rate 1100 dwellings would generate 528 two-way vehicle trips in the peak hours and with 10% reduction for sustainable travel this would be 475.
- 9..3 Trip rates for the specialist accommodation for the elderly (60 units) have been derived using TRICs and this methodology is acceptable. The proposal is estimated to generate 16 two way vehicle movements in the AM peak and 13 in the PM peak.
- 9..4 The development includes for a 2FE primary school and an extension to the existing secondary school; Mascalls Academy and trip generation and distributions should be included in the assessment.

10. Development Related Impact on the Highway Network

Future year growth

10..1 A future year of 2027 has been used for Phase 1 (330 units), and 2034 for full development (1,160 units), with TEMPRO growth rate factors applied to the 2021 surveys. Committed development is not included in the assessment. Bearing in mind the high levels of growth being experienced in Paddock Wood and that proposed and included in the Submitted Local Plan it is considered that the committed development should be included in the impact assessment as well as Temprow growth factors.

Trip Distribution

10..2 Trip distribution has been based on 2011 census data and the routing based on peak hour journey times. The details of this are currently being reviewed and the comments on this provided separately.

10..3 Traffic flow diagrams showing 2027 flows are missing from Appendix 19. Please could these be provided.

Impact

10..4 Impact assessments have been completed on a number of junctions for both the AM and PM peak periods which are identified as 0730 - 0830 and 1630 - 1730. Please provide evidence to show how these peak periods have been identified, the Arcady and Picady models used in the capacity assessments, CAD files for the junctions modelled and a copy of the full result printouts for the Linsig modelling. Once this information is provided I will be able to review the impact assessment and provide further comment. I have however received an initial response from the KCC Traffic and Network Solutions team who have stated that the existing LINSIG model at the Maidstone Road/Badsell Road/Mascalls Court Road junction needs to be based on the current junction's operation (as built drawing have been provided separately) and stage sequence, utilising the existing intergreen timings. Also, the scenario with the improvement scheme (also provided separately) requires the extendable pedestrian crossing intergreen timings to be extended to their maximum when modelling the junction in order to give a worse case scenario.

10..5 The assessments have been provided for :

- o 2027 base;
- o 2027 base + development of 330 homes;
- o 2034 base; and
- o 2034 base + development comprising 1100 homes and 60 units specialist accommodation for the elderly.

10..6 It is recommended that the 2021 models are validated against queue lengths or the Local Plan model.

10..7 An assessment of the junctions with the full local plan development strategy is not provided.

10..8 A summary of the results is as follows:

Results of capacity assessments taken from the TA

Junction	2027	2034
Church Road/ site Access Phase 1	No capacity issues for the scenarios modelled	
Church Road / Site Access full development	No capacity issues for the scenarios modelled	
Church Road/Mile Oak Road/Pearsons Green Road/Queen Street staggered priority crossroads	No capacity issues for the scenarios modelled	
B2160 Maidstone Road/Badsell Road/Mascalls Court Road staggered signalised crossroads Existing layout	Maidstone Road (N) right DoS* 94.8% in the pm peak this increases to 97.3% DoS with development. Badsell Road is 92.6% DoS in the PM peak and increases to 98.6% with development.	The junction is over capacity in the 2034 base year scenario Maidstone Road (N) right DoS is 100.5% this increases to 110.3% with development. Badsell Road is 99.4% DoS increasing to 110.7% with development.
B2160 Maidstone Road/Badsell Road/Mascalls Court Road staggered signalised crossroads Proposed layout		shows operation within capacity
A228/B2160 Maidstone Road roundabout (Hop Farm)	No capacity issues	2034 base scenario indicates the junction will be over practical capacity with an RFC** of 0.94 in the PM peak. The 'with development' scenario increases the RFC to 0.97.

A228/B2017 Badsell Road roundabout	the junction operates over practical capacity in the 2027 base with the A228 Maidstone Road RFC reaching 0.91 in the AM pk and increases to 0.92 in the + dev scenario.	In 2034 the A228 Maidstone Road arm RFC increases from 0.96 to 0.99 with the addition of the development traffic and the queue length increases from 14.9 in the base scenario to 22.1 with development. Additionally, the B2017 Badsell Road RFC becomes over practical capacity in the PM peak with development with an RFC of 0.89.
A228/Alders Road/Crittenden Road staggered crossroads	No capacity issues for the scenarios modelled	
Church Road/Warrington Road	No capacity issues for the scenarios modelled	
Maidstone Road/Station Road	No capacity issues for the scenarios modelled	
B2160 Maidstone Road/ Commercial Road	No capacity issues for the scenarios modelled	
B2160 Maidstone Road/Warrington Road	No capacity issues for the scenarios modelled	
B2160 Maidstone Road/Chantlers Hill	No capacity issues for the scenarios modelled	

*DoS is Degree of saturation , as the DoS becomes close to 100% the manoeuvre becomes very sensitive to any further increase in traffic. A DoS of 90% is usually taken as Practical Capacity, and it is desirable to achieve a Practical Reserve Capacity (PRC) of at least +10%.

** RFC is ratio of flow to capacity An RFC value of 0.85 is usually taken as indicating that the manoeuvre is operating at practical capacity, while a value of 1.0 indicates that it is operating at theoretical capacity.

10..9 The results of the impact analysis show that mitigation measures are required at:

- B2160 Maidstone Road/Badsell Road/Mascalls Court Road staggered signalised crossroads – the junction is over capacity in the 2027 base PM peak and this becomes worse with the development. However, with the planned improvement scheme the junction can accommodate the 2034 flows with full development and remain within capacity.
- A228/B2160 Maidstone Road roundabout (Hop Farm)
- A228/B2017 Badsell Road roundabout

NB It should be noted that the results above are a summary of those in the TA and further assessment may be required with altered trip rates. The distribution of traffic and the junction models are currently being reviewed for accuracy and additional information has been requested to facilitate this. Once this is completed the findings will be made available and the models may need to be amended accordingly.

Additional Impact Assessment requirements

10..10 I would also like to understand the impact of the development on the surrounding highway network outside of the existing study area as listed below:

- Impact along the B2160 Maidstone Road through the local villages and to the A21, including an assessment of the impact at the A21/B2160 junction (Kippings Cross)

It would also be useful to validate the distributions proposed along this route by comparing the increase in traffic along the B2160 with that predicted for the committed residential development sites to ascertain whether this route is likely to become more popular than predicted.

- There have been concerns relating to capacity and safety along Colts Hill and through Five Oak Green for numerous years and therefore a review of safety conditions and link capacity would be extremely helpful.
- An increase of approximately 73 two-way peak hour movements is expected on the B2017 towards its junction with the A26 west of Tudeley (Woodgate Way roundabout) and so a capacity assessment is required at this junction with an extended distribution assessment to identify the increase in traffic expected at the neighbouring junctions.
- I note that 26.7% of generated traffic (141 two way movements) is predicted to route along the A228 to/from the north and this is likely to impact on the junction of the A228/A26/Seven Mile Lane which is known to suffer congestion at peak times. Please include a capacity assessment of this junction, the A26/A228 junction at Mereworth and the junction of Seven Mile Lane with the A20.

- B2160 junction with Chantlers Hill. Chantlers Hill provides a direct route between Mascalls Court Road and the B2160 Maidstone Road towards the A21 and is likely to see a significant increase in traffic arising from this development. Please provide evidence to demonstrate the suitability of this route in terms of road width and visibility at its junctions with the B2160 and with Mascalls Court Road.
- The A21 junction with Pembury Road
- The A264 Pembury Road junction with Halls Hole Road and Blackhurst Lane
- A264/Sandhurst Road
- A264/Sandrock Road
- A264/Calverley Park Gardens and A264/ Calverley Road

11. Travel Plan

11..1 The Travel Plan has been forwarded to the KCC Travel Plan Monitoring Officer and the following comments provided:

Para. 2.72 – for the car park spaces how will these spaces be managed and monitored?

Para. 3.12 – Please include the name of the bus provider for this area .

Para. 5.5 – It states that surveys will be taken once occupation is at 50% , I would like it to be clear if this is all the applications/ phases of the different developments or all as it is going to be monitored over 5 years there could be space between completion of one of the applications to others .

Para. 6.21 – For the car club it would be good to know the take up for this service included when doing the surveys

Para. 6.3 – Once set up it would be good to have a link to the community website included.

Para. 6.7 – I would like to see a copy of the Information Pack once produced and for it to be included in the Travel Plan document

Para. 8.3- Please update with TPC Details once appointed.

12. Conclusion

12.1 Additional information is required as outlined above in order that the highway related impacts of these developments can be fully assessed. Once that information is received and reviewed I shall provide additional comments.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Yours faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

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KCC developer contribution assessment for Primary Education

District: Tunbridge Wells	1-bed: 3
Site: Land West Of Queen Street, Paddock Wood Tonbridge, Kent, TN12 6NP	Houses: 582
Plan ref: TW/23/00118	Flats: 15
Date: 17/02/2023	Total units: 600

Current and forecast pupils on roll for schools within

Paddock Wood planning group

DFE no.	School	2021-22 (A)	2022-23 (A)	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)
2128	Capel Primary School	206	206	229	241	249	249	250	250	246	246	243
2127	Paddock Wood Primary School	593	606	643	686	680	673	675	687	682	684	676
Current and forecast pupils on roll (excluding the expected pupil product from new developments)		799	812	871	928	929	922	924	936	928	931	920
Required capacity to maintain 2% surplus capacity		815	829	889	947	947	941	943	955	947	950	939

Current and forecast capacity for schools within

Paddock Wood planning group

DFE no.	School	2021-22 (A)	2022-23 (A)	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)
2128	Capel Primary School	210	210	210	210	210	210	210	210	210	210	210
2127	Paddock Wood Primary School	630	630	630	630	630	630	630	630	630	630	630
Current and forecast capacity (1)		840	840	840	840	840	840	840	840	840	840	840

(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

Paddock Wood planning group

Planning reference	Development	Houses	Flats	Primary product
TW/21/02236	Touchwood Pearsons Green Road Paddock Wood Tonbridge Kent TN12 6NY	3	0	1
TW/21/01862	Church Farm And Land Church Road Paddock Wood Tonbridge Kent (S106)	60	0	0
TW/21/00665	Land Rear Of, 7 - 9 Station Road, Paddock Wood, Tonbridge, Kent	0	12	1
TW/20/02271	Land West Of Sychem Place Five Oak Green Tonbridge Kent	8	0	2
TW/19/03349	Land At, Mascalls Farm, Badsell Road, Paddock Wood, Tonbridge, Kent (S106)	90	11	0
TW/17/04224	Land at Willow Lane, Willow Lane, Paddock Wood, Tonbridge, Kent TN12 6NL	10	0	3
TW/17/03480	Mascalls Farm, Paddock Wood (S106)	309	0	0
New developments within the planning area		480	23	7
This development		582	15	164

Assessment summary

Detail	2021-22 (A)	2022-23 (A)	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)	25	11	-49	-107	-107	-101	-103	-115	-107	-110	-99
Expected pupil product from new developments	7	7	7	7	7	7	7	7	7	7	7
Surplus / (deficit) capacity including the expected pupil product from new developments	18	5	-56	-113	-114	-108	-110	-122	-114	-116	-105
Expected pupil product from this development	164	164	164	164	164	164	164	164	164	164	164
Surplus / (deficit) capacity including the expected pupil product from new developments and this development	-146	-159	-220	-277	-278	-272	-274	-286	-278	-280	-269
Expected pupil product from this development that on current plans for school provision cannot be accommodated	146	159	164	164	164	164	164	164	164	164	164

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 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.
 - 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

Appendix 1A

Education

Site Name	Land West Of Queen Street, Paddock Wood, Tonbridge TN12 6NP		
Reference No.	TW/23/00118/HYBRID		
District	Tonbridge Wells		
	Houses	Flats	Total
Unit Numbers	582	15	597

Secondary Education			
Secondary School expansion site contribution			
Residential Land Price per acre for Tunbridge Wells			£1,000,000
	Pupils	Hectares	Acres
6FE Secondary School	900	8.00	19.768
	per Pupil	per House	per Flat
Land Rate	£21,964.44	£3,377.03	£844.26
Contribution requested towards New Secondary School Site			£1,978,095.30
Total Secondary Education Land contribution			£1,978,095.30

Appendix 1A

Education

Site Name	Land West Of Queen Street, Paddock Wood, Tonbridge TN12 6NP		
Reference No.	TW/23/00118/HYBRID		
District	Tonbridge Wells		
	Houses	Flats	Total
Unit Numbers	582	15	597

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 2

KCC Communities

Development Contributions Assessment

Site Name	Land West Of Queen Street, Paddock Wood, Tonbridge TN12 6NP
Reference No.	TW/23/00118/HYBRID
District	Tunbridge Wells
Assessment Date	22/02/2023
Development Size	600

COMMUNITY LEARNING & SKILLS (CULTURAL HUB ELEMENT)	
	Services
Current Service Capacity	1,674
LESS Current adult participation in Tunbridge Wells district	1,758
Initial capacity shortfall/surplus (Year ending 2019)	-84
New adult participation from this development	21.53 clients
Will service capacity be exceeded?	YES

YOUTH SERVICE		
	Centre and Hub based Services	Outreach and Targeted Services
Current Service Capacity	1,548	833
LESS Current youth participation in Tunbridge Wells district	1,625	875
Initial capacity shortfall/surplus (Year ending 2019)	-77	-42
New youth participation from this development		30 clients
Will service capacity be exceeded?		YES
Contributions requested from this development		<u>£65.50 per dwelling</u>
<i>600 dwellings from this proposal</i>		<u>£39,300.00</u>
Contributions requested towards additional equipment and resources for the Kent Youth Service to enable outreach work in the vicinity of the development.		

LIBRARIES (CULTURAL HUB ELEMENT)	
Libraries assessed for this development	Library Stock and Services
Current Service Capacity	13,770
LESS Current library participation in Tunbridge Wells district	14,459
Initial capacity shortfall/surplus (Year ending 2019)	-689
New borrowers from this development	174.96 borrowers
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£437.21 per dwelling</u>
<i>600 dwellings from this proposal</i>	<u>£262,326.00</u>
Contributions requested towards Tunbridge Wells Cultural Hub - Libraries / Adult Education / Social Care	

Net contributions requested for KCC Communities' Services	£301,626.00
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KCC Waste Services

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

Site Name	Land West Of Queen Street, Paddock Wood, Tonbridge TN12 6NP
Reference No.	TW/23/00118/HYBRID
District/Area	Tunbridge Wells
Assessment Date	22/02/2023
Development Size	600

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	600
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
600 dwellings from this proposal	£77,520.00
Contributions requested towards Tunbridge Wells 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	600
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
600 dwellings from this proposal	£32,682.00
Contributions requested towards Tunbridge Wells HWRC	

Net Contributions requested for KCC Waste from this development

£110,202.00

* Estimated

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

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Kevin Hope
Tunbridge Wells Borough Council
Town Hall
Mount Pleasant Road
Tunbridge Wells
Kent
TN1 1RS

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: TWBC/2023/094017
Date: 24 February 2023

Application No: 23/00118/HYBRID

Location: Land West Of Queen Street, Paddock Wood, Tonbridge, Kent, TN12 6NP

Proposal: Hybrid Application: Full Application for erection of 170 homes and Waste Water Treatment Works together with temporary construction/haul road off Queen Street to enable the delivery of the Waste Water Treatment Works and up to 150 dwellings, Outline Application (appearance, landscaping, layout and scale reserved) for the erection of up to 430 additional homes, inclusive of associated infrastructure including land for a new primary school, play areas, allotments, network of new roads (and widening of existing roads), surface water drainage features, car and cycle parking and open space 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 report prepared by Stantec (Revision F- 16/12/2022), in addition to the Drainage Strategy report by Barter Hill (December 2022) for the phase 1 development (full permission). The LLFA have the following comments to provide to this information:

1. The Flood Risk Assessment prepared by Stantec sets out the proposed drainage principles to serve the future development, including both outline and full permissions being sought. The report also examines the existing flood risk from the Rhoden Stream and watercourses.

The core principles as understood from the report are for:

- All dwellings and surface water drainage features to be located within flood zone 1. Where this is not possible for a select number of properties within Phase 1, land raising has been proposed for these areas to ensure the ground level becomes outside the 100 year annual probability event plus climate change allowance (27%). It is understood that compensatory storage has been allocated within the greenspace to ensure that no flood storage capacity is lost and subsequently redistributed into the wider area.
- The adherence to greenfield QBAR (2.2 year return) value for all return events. This has been calculated as being 5.3 l/s per hectare. The application of this value across the development results in improvements in peak discharge rate for the 30 and 100

year events, even with the additional flows (10 l/s) from the packaged treatment plant.

- The phases located within the areas of outline consent, have been designed with an expectation that 50% of the phase will be impermeable in nature, with an additional 10% for urban creep allowance. Should this be exceeded as each phase comes forward, additional storage will need to be provided within each phases through below ground attenuation of permeable paving systems.
 - Consideration for the possible submersion of the outfalls into the Rhoden Stream during high levels. Statement 10.4.7 within the report highlights that during times of high flow levels within the river, the outfall may be submerged, resulting in a reduced discharge into the stream. With this scenario, ample storage should be provided within the basins freeboard. The LLFA expect further work regarding this as part of any future reserved matters and detailed design stages. This is to simulate the impact of surcharged outfalls within each network.
2. The Drainage Strategy report prepared by Barter Hill sets out the drainage vision for phase 1 of the development. The drainage proposals adhere to the wider principles set out under the Flood Risk Assessment document. This being the limiting of discharge from this phase to the greenfield Qbar rate of 5.3 l/s per hectare and the locating of all properties and drainage features outside modelled flood zones.

A combination of attenuation basins, below ground attenuation tanks, swales acting as interception from overland flows and permeable paving systems have been proposed to provide the necessary storage. To support the design, Microdrainage Modelling has been provided to demonstrate the systems expected performance against varying storm intensities and durations. The simulations show that no flooding should be experienced on site for events up to an including the climate adjusted 100 year return period.

It is noted that there are several discrepancies within the Microdrainage Model when compared to the Preliminary Drainage Sheet 2 of 2 (Revision E- February 2022), showing the eastern network. These include:

- Eastern Outfall Pipe number 2.000 has an invert in the simulations as 18.730m, the same as the downstream node of 1.001. On the
- Headwall 4 into Eastern Basin for phase 1 has an invert level of 17.08m whereas the drawing shows a value of 16.63m. It is expected that this is because of two parts of the network discharging into the same outfall to the basin.
- Different Invert levels shown for Manhole S36 for Eastern Network. Value shown in simulations is 18.501 compared to the drawing showing 18.426.

The LLFA would expect for these to be corrected upon moving to the detailed design stage, along with further work relating to the possibility of a surcharged outfall into the Rhoden Stream.

Should the Local Planning Authority be minded to grant planning permission, the LLFA would request the following conditions be attached for the outline and full application:

Conditions for Outline Application:

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 in any phase 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 be based upon the overarching principles contained within the Flood Risk Assessment report prepared by Stantec (Revision F - 16/12/2022). The report will further demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason:

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

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate 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.

Conditions for Full Application:

Condition:

Development shall not begin in any phase 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 be based upon the design set out within the Drainage Strategy Report prepared by Barter Hill (Version V.02-December 2022). The submission will also demonstrate that surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason:

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

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate 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,

Daniel Hoare

Flood Risk Project Officer
Flood and Water Management

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Strategic Planning,
Maidstone Borough Council,
Maidstone House,
King Street,
Maidstone,
ME15 6JQ

Growth and Communities

Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Phone: 03000 423203
Ask for: Alessandra Sartori
Email: alessandra.sartori@kent.gov.uk

BY EMAIL ONLY

12 April 2023

Dear Sir/Madam,

Re: Maidstone Borough Council Gypsy, Traveller and Travelling Showpeople Development Plan Document

Thank you for consulting Kent County Council (the County Council) on the Maidstone Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD).

The County Council has reviewed the document and for ease of reference has provided comments structured under the chapter headings within the DPD.

Please find the County Council's comments below:

PART A: Context

Policy LPRHOU8

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, understands that Policy LPRHOU8 has been created to provide criteria on whether to grant planning permission to future Gypsy, Traveller and Travelling Showpeople accommodation.

As part of this criteria, Point 1 (vi) considers whether the site is at risk from flooding and specifically references flood zones 3a and 3b. KCC acknowledges that this is a key requirement but would note that the current [National Planning Policy Framework](#) (NPPF) (paragraph 161) and the Sequential Test requirements stipulate consideration for all types of flooding, irrespective of the source.

[Government guidance](#) on the Sequential Test also highlights that if the site falls within flood zone 2 and is a change of use to either a "caravan, camping chalet, mobile home or park home site", that a test would still need to be undertaken.

In view of this, the County Council, as Lead Local Flood Authority, would encourage that Point 1 (vi) is amended to provide a broader context relating to the flood risks present on site. The application of the current wording could grant permissions to sites that may be at risk from surface water flooding from an adjacent watercourse and would not be shown to be within flood zones 3a or 3b.

Biodiversity: The County Council notes the Borough Council's intention to consider all sites for ecological impact as part of the allocation process (Point 1 (vii)). The achievability of Biodiversity Net Gain (BNG) on the site will also have to be considered as part of this process from April 2024. KCC would therefore expect Gypsy and Traveller sites to demonstrate at least ten percent BNG and for this to be included within the policy.

PART B: Consultation

8. Content

Emergency Planning and Resilience: The County Council in respect of its role in Resilience and Emergency Planning, recommends consideration of affordable pitches and the provision of public sites to ensure community resilience and public health. It is advised that the DPD demonstrably recognises the relationship between housing need and deprivation (including long term limiting illnesses and reduce longevity rates).

The DPD should seek to limit overcrowding on sites, with policies encouraged to seek appropriate and safe pitch densities and configurations to limit risk of fire and gas cylinder explosion risk caused by overcrowding.

Further, the DPD should also consider the vulnerability of mobile homes and caravans to extreme weather events including high winds, flooding and extreme heat. The County Council would anticipate that site resilience factors require specific policy references. For example, prolonged water supply disruption impacted Gypsy and Traveller communities in Maidstone Borough and Kent during the extreme heat event of July 2022 and freeze-thaw event of December 2022. Extent of hardstanding on many Gypsy and Traveller sites can exacerbate surface water flooding risk and reduce groundwater infiltration rates, therefore appropriate use of sustainable drainage systems (SuDS) to mitigate these impacts requires specific policy focus or hooks.

The County Council would also recommend policies which consider the vulnerability of Gypsy and Traveller communities in respect of utility provision – which can be significantly disrupted as a result of severe weather and other factors. The DPD could seek to promote decentralised power sources such as renewables, and water saving / storage (including grey water recycling) as appropriate.

11. How will sites be assessed?

Highways and Transportation: The County Council, as Local Highway Authority, acknowledges the access and transport methodology used in the assessment of suitable sites in Stage 1b and has no overriding concerns to raise at this stage.

Public Rights of Way (PRoW): The County Council notes the following reference to PRoW within the proposed criteria for the Stage 1b detailed assessment of sites, as part of the Gypsy and Traveller Land Availability Assessment:

“Where a Public Right of Way has been identified on a site, it will need to be re-provided and enhanced through the development of the site. It could result in a loss of developable land; this will be identified at the detailed planning stage of design.”

The County Council would request and advise that any site **affected** by a PRoW or National Trail is excluded at Stage 1a, and that the PRoW network is also included in step 5 of Stage 1a alongside the consideration of sites within the Area of Outstanding Natural Beauty and Green Belt. There is also the potential of landscape and visual impact on the PRoW network which should be taken into consideration. The County Council also advises that any PRoW **adjacent** to a proposed site could be diverted and enhanced as above.

SuDS: For the future identification of sites and how they will be assessed, the County Council understands that this has been divided into three stages. Stage 1a is noted to be a preliminary high-level desk-based assessment that considers five key fields. The second field of this stage is to determine whether the land falls within flood zones 3a and 3b. The County Council agrees with the exclusion of land that falls within these zones and for a further detailed assessment to be undertaken as part of Stage 1b into wider flood risks.

As stated above, Stage 1b has been proposed to consider both flood risk from zones 2 and 3 and drainage matters. The County Council agrees with the assessment of these factors as part of this stage.

The County Council highlights that, as part of its review for planning applications, consideration is applied as much to the existing surface water flood risks as post development. For areas identified to be at current risk, the County Council also applies the approach of advising for siting living accommodation and drainage features outside of these risks. Further assessments should also be made to better understand the risk.

In addition to the analysis of surface water flood risks, the County Council would draw attention to the incorporation / mention of sustainable drainage systems and climate change factors. The requirement of developing drainage schemes to manage runoff from hardstanding and roofs is even more important when considering the possible impacts from climate change. The County Council would therefore request consideration of these points within the DPD.

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, recognises that the consideration of land-won mineral safeguarding at identified sites and

their immediate surroundings or safeguarded waste management / mineral handling facilities, either at the site or within 250m, are not included in Stages 1a and 1b of the DPD. It is therefore recommended that the DPD is amended to ensure that these matters are identified and are part of the selection and assessment process for Gypsy, Traveller and Travelling Showpeople sites.

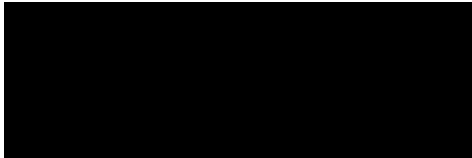
The County Council, as Minerals and Waste Planning Authority, would welcome further discussion with Maidstone Borough Council on this matter.

Appendix 3

PRoW: The County Council recommends that the Landscape and Visual Impact Assessment proposed in Appendix 3 includes the landscape and visual impact on the PRoW network and surrounding area for any proposed site.

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

Yours sincerely,



Stephanie Holt-Castle
Director for Growth and Communities



Planning Policy
Medway Council
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR

Growth and Communities

Invicta House
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Maidstone
Kent
ME14 1XX

Phone: 03000 423203
Ask for: Alessandra Sartori
Email: alessandra.sartori@kent.gov.uk

BY EMAIL ONLY

28 April 2023

Dear Sir/Madam,

Re: High Halstow Neighbourhood Plan - Regulation 16 Consultation

Thank you for consulting Kent County Council (the County Council) on the High Halstow 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.

Chapter 1: Introduction

Heritage Conservation: The County Council acknowledges that aspects of High Halstow's heritage are mentioned throughout the current Neighbourhood Plan. However, the full role that the history of the Neighbourhood Plan area has played in shaping the landscape, settlement and landmarks of High Halstow is not clearly demonstrated, as it is divided among the landscape, settlement and community sections. The role that the surviving heritage can play in the future of the Neighbourhood Plan area has also not been considered. The County Council would therefore recommend the inclusion of a section on the history and heritage of the Neighbourhood Plan area that explains the history of High Halstow in more detail and shows how the modern Neighbourhood Plan area is derived from this history.

Chapter 2: High Halstow 'today'

Heritage Conservation: The County Council notes that the text in this section describes the current character of High Halstow, but it does not mention that this is due to historical processes as much as landscape and geology. The marshland has been exploited by humans for thousands of years and they have left traces of this in the form of salt mounds, drainage ditches and seawalls, as well as traditional tracks and routeways and agricultural structures. These areas were exploited by people living on the upland spine of the Hoo Peninsula as reflected in the prehistoric settlement evidence seen in archaeological excavation in and around the village. The continuity of this history is undescribed in this section but is largely what enables and underpins the rich biodiversity described in detail. It is advised that the role that heritage has played in shaping the landscape and the life of the people who live in it is expressed more strongly in this section.

Demographic profile

Highways and Transportation: The County Council, as Local Highway Authority, has concerns with the impact of a major development in Medway on the Kent highway network. The introduction of development on Land East of High Halstow would double the size of the existing village. Paragraph 2.11 states “*The majority of the High Halstow population travel to work by car (76%)*”. This is considered to be high, although reflective of a rural village. It is therefore important that high quality walking, cycling and public transport links and facilities are provided in order to ensure new residents do not replicate this high car-based mode share. The proposed policies are considered to support a reduction in car-based mode share.

Chapter 3: High Halstow 'tomorrow'

Heritage Conservation: The County Council welcomes the strong commitment to protect and enhance the landscape character and heritage assets of the Neighbourhood Plan area.

Objectives

Heritage Conservation: At present, none of the objectives mention the conservation of the historic environment. The County Council therefore recommends that Objective 07: Sustainable Environment – ‘*To provide a sustainable environment for the residents and wildlife of High Halstow whilst being mindful of conserving an ecological balance*’, is replaced with the following text: ‘To provide a sustainable environment for the residents, heritage and wildlife of High Halstow whilst being mindful of conserving an ecological balance’.

Chapter 4: Community

Policy HH C2: Education

Highways and Transportation: The County Council supports this policy which ensures that the design of new schools promotes walking, cycling and minimising trips by car, including school streets. Whilst this relates to the primary school and will therefore have limited impact

on Kent's highway network, it is important that high quality links are also formed with a secondary school, to reduce the proportion of students who may be driven/drive themselves.

Heritage Conservation: The County Council notes that there are substantial pressures on the health and social care of Kent's population and it promotes the use of individual and community assets to provide a more person-centric system. As such, heritage can play an important role in the contribution of the arts to person-centred, place-based care through means such as arts-on-prescription activities, cultural venues and community programmes. The historic environment, archaeology and heritage form part of our experience of being human and can provide individual as well as collective opportunities to engage with arts and culture whilst having positive effects on our physical and mental health and wellbeing in the process.

Chapter 5: Environment

Biodiversity: It is noted that aspects of the County Council's previous advice in respect of biodiversity matters have not been incorporated into the Regulation 16 version of the Neighbourhood Plan. These comments therefore include the previous advice provided on 17th September 2021 as part of the Regulation 14 consultation and the County Council would urge the Steering Committee to have due consideration of the matters raised.

The County Council would also highlight that Local Nature Recovery Strategies (LNRS) are a new, England-wide system of spatial strategies that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Work is being undertaken on an LNRS for Kent and is therefore encouraged to be included in any future revisions of the Neighbourhood Plan.

Natural Habitats and Biodiversity

Heritage Conservation: The County Council acknowledges that Sections 5.2-5.3 review the landscape character of the area, but they do not mention why this character came to be. Between 2009 and 2012, Historic England carried out the [Hoo Peninsula Landscape Project](#) which studied the peninsula using a range of field and desktop techniques. One of the products of this project was a detailed Historic Landscape Characterisation of the peninsula which reveals the time depth that can still be seen in the pattern of fields, tracks, boundaries and features of the landscape. The landscape that can be seen today is therefore not a natural one, but a human one. It is the Neighbourhood Plan area's largest heritage asset. In this section, the County Council would recommend that this historic character is described, and the link to the Historic England study is presented. The historic aspects of the landscape can therefore be considered alongside the natural or biodiversity aspects in decision-making.

Biodiversity: As stated in paragraph 5.11, the entirety of the parish is within the zone of influence of the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) for the Thames Estuary and Marshes Special Protection Area and Medway Estuary and Marshes Special Protection Area, and these areas are also both Wetlands of International Importance under the Ramsar Convention (Ramsar Site). Where additional housing is proposed, Medway Council is encouraged to ensure that the proposals fully adhere to the

agreed approach within the SAMMS. This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

The County Council notes that the requirement for an Appropriate Assessment is determined by the competent authority¹ and is undertaken if a proposed plan or project is considered likely to have a significant effect on a protected habitats site. The Appropriate Assessment must consider the indirect effects on the designated features and conservation objectives, including principles contained within [Government guidance](#). A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full Appropriate Assessment is needed under the Habitats Directive². Therefore, due to the need for an application for residential dwellings to contribute to the North Kent SAMMS, there would still be a need for an Appropriate Assessment to be carried out for this type of application. The County Council recommends that this is reflected in the Neighbourhood Plan.

However, on review of the Special Site of Scientific Interest (SSSI) Impact Risk Zones on the [Multi-Agency Geographic Information for the Countryside](#) (MAGIC) website, there are multiple SSSI Impact Risk Zones relevant to the different statutory designated sites within the Neighbourhood Plan area. Not all types of development in all of the risk zones will require either consultation with Natural England or a Habitats Regulations Assessment. The County Council therefore recommends amending paragraph 5.10 to the following:

'SSSI Impact Risk Zones³ cover the entirety of the parish is within the Impact Risk Zone of a SSSI as defined by Natural England. The SSSI Impact Risk Zone tool (available on MAGIC) will therefore need to be consulted for all proposals for development, alongside an assessment carried out by a suitably qualified ecologist⁴ where appropriate, to establish the requirement for within the parish will thus be subject to consultation with Natural England and trigger the need for a Habitats Regulation Assessment.'

The County Council also proposes changing the wording of paragraph 5.11 to the following:

'With regards to new residential development, the entirety of the parish is also within a six kilometre catchment of the Special Protection Area, zone of influence of the Thames Estuary and Marshes Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar site), as well as Medway Estuary and Marshes SPA and Ramsar site. In this area Therefore, the Interim Policy Statement adopted by Medway Council (2015) in respect of Strategic Access Management and Mitigation applies (and until such time as it is updated or replaced). This Policy Statement indicates that a financial contribution is payable to the Council for all new homes built in this area, which will be used to mitigate the recreational impacts of population increases on the SPA these designated sites. As mitigation measures cannot be taken into account when carrying out a screening

¹ [The Conservation of Habitats and Species Regulations 2017](#)

² [People Over Wind, Peter Sweetman v Coillte Teoranta \(C-323/17\)](#).

³ A GIS tool developed by Natural England to make a rapid initial assessment of the potential risks posed by development proposals to: Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites.

⁴ Suitably qualified ecologists can be found using either the: [CIEEM Registered Practice Directory](#) or the [Environmental Data Services Directory](#).

assessment to decide whether a full Appropriate Assessment is needed under the Habitats Directive, there would still be a need for an appropriate assessment to be carried out for additional housing in this area.'

The County Council notes that paragraph 5.12 focuses on "the SPA". However, there are multiple designated sites (as already laid out in the Neighbourhood Plan text) within the Neighbourhood Plan area. There is also a pocket of ancient woodland and several other priority habitat designations outside of any statutory nature conservation designations. The County Council also recommends that reference is made to species of conservation importance and that reference to commitments in relation to biodiversity net gain is strengthened. This could be achieved by increasing the scope and altering the content of this paragraph, by splitting it into several paragraphs. The County Council would therefore advise amending paragraph 5.12 to the following:

'To preserve the quality of the natural environment, any proposals impacting on the SPA will be required to demonstrate that any potential impacts have been assessed and identify any mitigation measures required to offset these, with the potential to impact upon any statutory or non-statutory designated sites of nature conservation value⁵, priority habitats⁶, and protected⁷ or priority species⁸ (as assessed by a suitably qualified ecologist) will be required to demonstrate that these potential impacts have been addressed through an Ecological Impact Assessment (EclA) carried out in accordance with the [mitigation hierarchy](#).

All development should result in a net minimum of 10% biodiversity net gain, biodiversity gain and improvement to the quality of habitats. A minimum 10% biodiversity net gain should be aimed for, based on the use of the most up-to-date version of the [Natural England Biodiversity Metric](#) (version 3.1 at time of writing) and be fully in line with the biodiversity metric rules and principles as laid out in the relevant Biodiversity Metric User Guide. Off site provision is not preferred but where it On-site biodiversity net gain is preferred over off-site biodiversity net gain. However, where off-site provision is the only practical solution, it must remain as close as possible to the development site.

The Biodiversity Metric is a habitat-based approach. Species-based features are not included within the metric. However, species-based features such as reptile and amphibian hibernacula, insect hotels/log piles, bird and bat boxes and hedgehog highways will be encouraged within developments, as supported by the [National Model Design Code](#).'

Policy HH E1: Natural Environment

Biodiversity: The County Council is supportive of this policy, but would recommend the following alternative wording to strengthen it and adhere with the latest government terminology:

⁵ Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Wetlands of International Importance under the Ramsar Convention (Ramsar sites), Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), and Ancient Woodland

⁶ As defined under Section 41 of the Natural Environment and Rural Communities Act 2006.

⁷ Legally protected species under the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) and The Protection of Badgers Act 1992.

⁸ As defined under Section 41 of the Natural Environment and Rural Communities Act 2006.

~~1. All new residential development in the Parish will be subject to payment of an Appropriate Assessment and developer contributions as contained in indicated by the Medway Strategic Access Management and Mitigation Strategy, Guide to Developer Contributions and Obligations and underpinned by the Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy. All proposals will be subject to consultation with Natural England and will need to demonstrate that the proposals, either alone or in combination with other plans or projects, will not adversely affect the integrity of a designated European or RAMSAR site.~~

~~2. Development will be expected to retain and enhance well established natural habitats, including mature trees, hedgerows and water features. All development will be required to result in a minimum net biodiversity gain of 10%, calculated based on use of the Natural England Biodiversity Metric v3.1 (or any subsequent updates to this) and submission of a biodiversity net gain plan submitted as part of the planning application. This applies to all developments, including smaller sites, which should make use of the Small Sites Toolkit published by Natural England as part of the biodiversity metric. The management plan should show how it is proposed to managed biodiversity net gains in perpetuity.~~

~~2. The SSSI Impact Risk Zone tool (available on MAGIC) will be consulted for all proposals for development, alongside an assessment carried out by a suitably qualified ecologist where appropriate, to establish the requirement for consultation with Natural England and the need for a Habitats Regulations Assessment. Where a Habitats Regulations Assessment is required, it will need to demonstrate that the proposals, either alone, or in combination with other plans or projects, will not adversely affect the integrity of an SAC, SPA or Ramsar site.~~

~~3. Any proposal involving the removal of natural environmental features must be justified and will be required to clearly demonstrate how the benefits from development will outweigh the negative impacts to the natural environment~~

~~3. Unless adequately justified, all proposals for development will be supported by an Ecological Impact Assessment (EclA) carried out in accordance with the latest Chartered Institute of Ecology and Environmental Management (CIEEM) best practice guidelines. Proposals for development will be expected to apply the mitigation hierarchy including firstly demonstrably attempting to avoid impacts to habitats of ecological value. This will include particular regard to the safeguarding of protected and priority species and the retention and enhancement of protected and priority habitats, as well other well-established natural habitats, including mature trees, and water features.~~

~~4. All development will be required to result in a minimum biodiversity net gain of 10%, calculated based on use of the latest Natural England Biodiversity Metric and evidenced within a biodiversity gain plan submitted as part of the planning application. This applies to all developments, including smaller sites⁹, which may instead be able to make use of the Small Sites Metric published by Natural England. To ensure the delivery of the biodiversity net gain, a biodiversity management and monitoring plan will also be required as part of development, covering a period of at least 30 years and capable of being rolled forward in perpetuity.~~

⁹ Some exemptions for very small sites will apply. These will be in line with outcomes of the biodiversity net gain consultation (unless or until changes come into force through further legislation/guidance). The list of exempted sites are available [here](#).

45. Any proposal involving the removal of natural environmental features must be justified and will be required to clearly demonstrate how the benefits from development will outweigh the negative impacts to the natural environment. If there is significant loss of ~~trees and shrubs~~ habitats of ecological value as part of development, then new provision will be expected elsewhere on the site or, if not possible on site, then elsewhere within the parish, providing equivalent coverage and an acceptable contribution towards the natural environment and local character.

56. Development on the edges of the settlement must avoid abrupt edges that lack vegetation or landscaping. In sensitive environmental locations, provision of comprehensive landscape buffering is encouraged. Native trees and shrubs must be used that reinforce the rural character of the area.

7. All development will include (where possible) new species-based conservation features focussed on protected and priority species (for example: reptile and amphibian hibernacula, insect hotels/log piles, durable (woodcrete/integrated) bird and bat boxes and labelled hedgehog highways).'

Policy HH E2: Countryside and Rural Landscape

Heritage Conservation: The County Council is pleased to see the archaeological interest in the landscape mentioned throughout this policy.

Policy HH E7: Flood risk

Heritage Conservation: The County Council notes that Sustainable Urban Drainage Systems (SuDS) may have both direct and indirect impacts on the historic environment. Direct impacts could include damage to known heritage assets, for example, if a historic drainage ditch is widened and deepened as part of SuDS works. Alternatively, they may directly impact on unknown assets, such as when SuDS works damage buried archaeological remains. Indirect impacts are when the ground conditions are changed by SuDS works, thereby impacting on heritage assets. For example, using an area for water storage, or improving an area's drainage can change the moisture level in the local environment. Archaeological remains in particular are highly vulnerable to changing moisture levels which can accelerate the decay of organic remains and alter the chemical constituency of the soils. Historic buildings are often more vulnerable than modern buildings to flood damage to their foundations.

When SuDS are planned, it is important that the potential impact on the historic environment is fully considered and any unavoidable damage is mitigated. This is best secured by early consideration of the local historic environment following consultation with the Kent Historic Environment Record¹⁰ (HER) and by taking relevant expert advice. The County Council has produced advice for SuDS and the historic environment (Appendix A), which provides information about the potential impact of SuDS on the historic environment, the range of mitigation measures available and how developers should proceed if their schemes are believed likely to impact on heritage assets.

¹⁰ heritageconservation@kent.gov.uk

Towards Zero Carbon Development

Heritage Conservation: The historic environment has a significant role to play in the conservation of resources required for development and energy efficiency. Old buildings can sometimes be more energy efficient than newer ones and it may take fewer overall resources to adapt an old building than to demolish it and build a completely new one. Historic England has produced a range of [guidance](#) on the role that heritage can play in mitigating climate change and historic building adaptation, and the County Council would advise that this is incorporated into the Neighbourhood Plan. The guidance demonstrates that historic structures, settlements and landscapes can be more resilient in the face of climate change and more energy efficient than more modern structures and settlements. This has also been updated in the Historic England report '[There's no Place Like Old Homes : re-use and Recycle to Reduce Carbon](#)'. The County Council would recommend that this is highlighted in the text, which currently suggests that only new buildings can be energy efficient.

Chapter 6: Movement

Highways and Transportation: The County Council, as Local Highway Authority, supports the overall vision of the Neighbourhood Plan.

The implementation of sustainable infrastructure is welcomed as a first step; however, it is the collective impact of prioritising sustainable modes of transport, place making, citing of local facilities and landscaping that is key to creating a place where people choose to walk, cycle and use public transport. The Neighbourhood Plan policies are generally supportive of this ethos.

Policy HH M1: Green Routes

Highways and Transportation: The County Council supports this policy but would recommend that reference is made to the need for cycle routes to be designed in line with [Local Transport Note 1/20](#), or any version that supersedes it.

Policy HH M2: Active Travel

Highways and Transportation: The County Council is supportive of this policy, but would advise that reference is made to cycle parking for adapted bikes. For example, for cargo bikes or for those with mobility issues who may require a larger cycle.

Project / Aspiration HH Mb: New Walking and Cycle Routes

Highways and Transportation: This policy states that "*The Parish Council is keen to work with partner organisations to explore the feasibility of delivering new and or improved walking and cycling routes in the Parish, including: Routes between the existing settlement area, development on land to the east of High Halstow and the proposed new railway station...*". The County Council understands that the delivery of the station may have been paused and the Parish Council should engage with Medway Council accordingly to ensure alternative reasonable sustainable transport opportunities are provided where possible.

Street Design and Safety

Highways and Transportation: The County Council supports the inclusion of a design code, as this will help to deliver the vision of the Neighbourhood Plan.

Policy HH M5: Street Design

Highways and Transportation: This policy states “... development east of High Halstow will seek to provide off line, segregated cycle and pedestrian routes adjacent to Britannia Road and Christmas Lane where possible. The character of Britannia Road and Christmas Lane, reflected in its width and presence of vegetation along it, shall be retained, but with a segregated pedestrian and cycle route running parallel to though set back from the road alignment”. Paragraph 6.33 states “Urbanising features shall be avoided wherever possible, except where that road section already incorporates such features (e.g.: footways) or where required for road safety purposes”. The County Council supports the requirement for segregated walking and cycling routes and the aim of retaining the rural characteristics of the village, but is concerned that the routes suggested would not be overlooked and therefore be unattractive, particularly in the evenings. The County Council would therefore request that appropriate, safe, attractive and overlooked routes are provided to key destinations.

New Technology and Transport Solutions

Highways and Transportation: The County Council welcomes the inclusion of new technologies such as Mobility as a Service (MaaS); parcel collection points; mobility hubs which are spaces that bring together different modes of sustainable transportation and improve the public realm; and electric charging points in paragraph 6.39, which would all assist in reducing the impact on the local highway network. Consideration could also be given to car clubs, which help to replace private car ownership (particularly second cars) and reduce the number of short trips made by private car.

Chapter 7: Place Quality

Highways and Transportation: The County Council supports Objective 6 – Traffic, although would recommend that public transport is included.

Heritage Assets

Heritage Conservation: The County Council considers that the current text in paragraph 7.9 underplays High Halstow’s heritage. The Neighbourhood Plan area contains a wealth of heritage assets spanning thousands of years of life in the parish. The Kent HER contains more than 160 records from prehistory to the Cold War and includes landscape features, listed and/or historic buildings, archaeological discoveries and monuments, and stray finds. Few of these are designated - only one scheduled monument and seven listed buildings - but a number of the non-designated monuments are of commensurate importance. These include Roman and Medieval salt-working sites that are visible in the marshes today, a probable bronze age barrow close to the village, and perhaps most significant among the

non-designated assets, numerous remains of the Second World War General Headquarters (GHQ) Stop Line that passed across the south of the parish. This was intended to be a crucial line of defence and includes numerous pillboxes, defensive earthworks and sentry posts. Many of these remain today and although the only designated military site in the parish dates from the First World War, together they represent a monument of national importance and a major landscape feature. The 'Whose Hoo' project that is in development intends to make the GHQ Stop Line the focus of extensive community activities and there is an opportunity for the High Halstow community to play a role here. It is therefore recommended that the Stop Line is mentioned in the text, as only military sites in neighbouring parishes are currently mentioned.

Policy HH PQ2: Non-designated Heritage and Archaeological Assets

Heritage Conservation: The County Council welcomes this policy, but would note that Shade House is not the only non-designated heritage asset in the Neighbourhood Plan area. The Second World War Stop Line should also be included, as might some of the salt-working sites, the probable prehistoric barrow, many of the military sites, wharves/hards along the Thames and other sites too. It is recommended that the text clearly states that other sites and structures might be identified as non-designated heritage assets in the future. This could provide the opportunity for a community project and the County Council would welcome further discussion on this matter.

In respect of Clause 2, the County Council notes that military crash sites can only be excavated when licenced by the Ministry of Defence. To excavate without a licence would contravene the Protection of Military Remains Act (1986).

Land to the East of High Halstow

Highways and Transportation: In respect of paragraph 7.14, the County Council agrees that the supporting transport infrastructure would be required to support large scale development at High Halstow, otherwise the development would likely generate high levels of private car trips which would impact on the Kent highway network. Development that is to come forward on the Hoo Peninsula/as part of the Medway Local Plan will be subject to the appropriate processes and consultation with the County Council.

Policy HH PQ4: Land to the east of High Halstow

Biodiversity: The County Council previously suggested in the Regulation 14 consultation that the policy provisions for the allocation of this area should include specific protections for Fisher's Wood ancient woodland in accordance with Natural England Standing Advice¹¹, in line with paragraph 180 of the National Planning Policy Framework.

It is noted that protections for Fisher's Wood are still not specifically mentioned within this policy and the County Council would advise that such protections should be incorporated unless there is sufficient justification for not doing so.

¹¹ [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK](#)

General Comments:

Highways and Transportation: The County Council, as Local Highway Authority, notes that any applications for sites that are predicted to have an impact on the Kent highway network would need to be assessed by the County Council to determine whether they would result in a severe impact on the local road network. The County Council would welcome notification by Medway Council of any major application submissions which may impact on the Kent highway network.

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, recognises that there may be economically viable sand and gravel deposits (Taplow Formation) present in the Neighbourhood Plan area. These deposits should be subject to the presumption to be safeguarded, as the National Planning Policy Framework seeks to prevent needless sterilisation of finite mineral deposits that may have economic characteristics. The Neighbourhood Plan is not seeking to allocate development in areas that may harm these deposits; however, it should be highlighted that land-won mineral safeguarding is a national planning policy consideration.

Supporting Documents

Design Code

Policy NO5: Biodiversity

Biodiversity: The County Council recommends that this policy specifically references key habitats and species for protection, and includes species-based conservation features focused on protected and priority species, as supported by the National Model Design Code. It is also recognised that the Biodiversity Metric is out of date, and the policy is therefore recommended to be revised to the following:

'Schemes must achieve a minimum 10% increase in biodiversity net gain as measured by using the latest Natural England Biodiversity Metric 3.0. Green corridors will be used to extend and enhance existing ecosystems, with protected and priority habitats and species safeguarded and enhanced in line with the mitigation hierarchy. Biodiversity net gain will not solely be measured through the latest Biodiversity Metric but shall include species-based conservation features such as woodcrete/integrated bird and bat boxes, hedgehog highways and bee bricks. Measures will also include Schemes must be designed to enhance biodiversity, including the retention of existing trees, hedges and habitats, the reduction of light pollution and the creation of new habitats, green roofs and ecological networks. in accordance with relevant guidance in relation to biodiversity such as the latest Institute of Lighting Professionals Bats and Artificial Lighting guidance.'

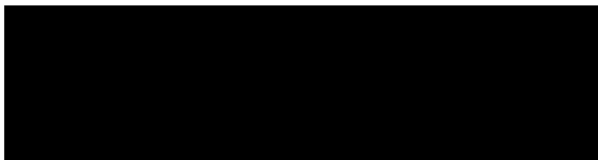
Basic Conditions Statement

Biodiversity: The County Council has reviewed the ecology matters in the document and recognises that a Habitat Regulations Appropriate Assessment has not been carried out.

In respect of sections 4 and 5, it is not clear to the County Council from the information provided within the Basic Conditions Statement that sufficient information is available to screen out likely significant effects upon nearby national site network sites. Where mitigation measures are needed to avoid likely significant effects, the competent authority would carry out an Appropriate Assessment. The County Council also considers that sufficient clarity is not currently available from Natural England that the approach taken within the Basic Conditions Statement is sufficient.

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,



Stephanie Holt-Castle
Director for Growth and Communities

Encs:

Appendix A: KCC Guidance on the Historic Environment and Sustainable Drainage

Historic Environment guidance for Sustainable Drainage Scheme developers

Kent County Council

October 2013

1 Background

This document is intended as background guidance for those developing Sustainable Drainage Schemes. It provides information about the potential impact of SuDS on the historic environment, the range of mitigation measures available and how developers should proceed if their schemes are believed likely to impact on heritage assets.

2 Introduction

The historic environment is critical to the study and understanding of the development of the UK from the distant past to the present. The NPPF defines the historic environment as “All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora”. The NPPF further identifies the historic environment as one of the key material considerations to be taken into account during the planning process and outlines how potential impacts should be considered and mitigated. SuDS should aim to sustain and enhance the historic environment, thus helping to achieve sustainable development as set out in the NPPF.

Some historic environment sites, or ‘heritage assets’ are nationally designated and protected by law. These include World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wrecks and Military Remains, Conservation Areas and Registered Parks and Gardens as well as some prehistoric heritage sites specifically protected under non-heritage designations such as Sites of Special Scientific Interest . Others may not be nationally designated but may be regionally or locally significant. It is also important to note that not all heritage assets are known – many lie as yet un-noticed above the ground or undiscovered beneath it. They are valuable elements in the local historic environment nonetheless.

3 Potential impacts of SUDS on the historic environment.

Sustainable Drainage Schemes (SuDS) have the potential to impact both directly and indirectly on the historic environment. Direct impacts can include damage to known heritage



assets – for example if a historic drainage ditch is widened and deepened as part of SuDS works or if an archaeological site is cut through. Indirect impacts are when the ground conditions are changed by SuDS works, thereby impacting on heritage assets and their settings. For example, using an area for water storage, or improving an area's drainage can change the moisture level in the local environment. Archaeological remains in particular are highly vulnerable to changing moisture levels which can accelerate the decay of organic remains and alter the chemical constituency of the soils. Waterlogged archaeology and palaeo-environmental (relict wetland) deposits are of significant interest and fragility; such sites may be even more vulnerable to changes in the ground conditions than modern wetland habitats (<https://projects.exeter.ac.uk/marew/>). The historic environment interest of wetland areas therefore needs to be considered as carefully as their biodiversity interest. Historic buildings are often more vulnerable than modern buildings to flood damage to their foundations (<https://historicengland.org.uk/advice/technical-advice/flooding-and-historic-buildings/>). However, it is the retro-fitting of SuDS solutions to historic buildings and other heritage assets that are of greatest concern to the historic environment and feasible solutions should be sought, which avoid harm to the significance of the heritage asset or its setting .

4 Avoiding damage to heritage assets during SuDS.

During preparation of the SuDS

When SuDS are planned it is important that the potential impact on the historic environment is fully considered and any unavoidable damage is mitigated. This is best secured by early consideration of the local historic environment following consultation with the Kent Historic Environment Record (HER), Conservation Area Appraisals, Local Heritage Lists, historic characterisation studies, the National Heritage List, the Heritage at Risk Register and by taking relevant expert advice. Kent County Council maintains the County HER and can offer guidance on avoiding damage to the County's heritage. This can avoid additional delays and costs later in the process.

In particular, in assessing direct and indirect effects on heritage assets the following points should be considered:

- Will the scheme avoid harm to, and protect, designated heritage assets including their setting?
- Will the scheme sustain and enhance the historic environment including non-designated heritage assets, palaeo-environmental deposits and areas of potential archaeology?
- Will the scheme alter the hydrological setting of water-dependent heritage assets?
- Will the scheme improve access to or enjoyment of heritage assets and maintain or enhance the character of historic landscapes and settlements?



SuDS planning applications

The local planning authorities will consult Kent County Council's Heritage Conservation team on the likely impact of SuDS on heritage assets except where those impacts are limited to impacts on listed buildings for which local planning authorities have their own conservation advisors and processes. The potential impact on the historic environment could be of concern in relation to two key scenarios:

- a) some solutions, such as the construction of storage features, ponds and wetlands, are likely to require significant ground disturbance which may negatively impact buried archaeological remains
- b) the design and/or finish of permeable paving, swales and drains of redevelopment sites lying within, or within the settings of, heritage assets (e.g., Listed Buildings and Conservation Areas) needs to be considered with reference to the historic context and its significance.

If an impact is anticipated the local planning authority may choose to respond to SuDS applications in a number of ways:

- The application may be refused.
- The application may be granted subject to conditions
- The application may be granted without conditions
- The applicant may be asked to supply additional information

The application is likely to be refused if it impacts negatively on the significance of designated heritage assets. Any works affecting a Scheduled Monument or its setting will need Scheduled Monument Consent from the DCMS via English Heritage in addition to planning permission.

If an applicant is asked to supply additional information this may be in the form of a desk-based assessment, where a qualified expert will gather all available information about the heritage asset and consider the impact of the SuDS on its significance. Additionally, the applicant may be asked to carry out archaeological fieldwork in order to clarify aspects of the heritage asset and enable a decision to be taken on the SuDS application.

During implementation of the SuDS



Although a SuDS application may be granted planning permission, there may nonetheless be significant impacts on heritage assets that need to be mitigated using planning conditions. These can involve:

- Preservation *in-situ*.

The NPPF states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”. Where appropriate, planning conditions will be used to secure the preservation of important heritage assets. This may be achieved by amending the design of the SuDS so that the significance of the assets is not damaged. It is likely that planning conditions requiring preservation *in-situ* will require desk-based assessment and structured archaeological fieldwork or building recording.

- Preservation by record.

Where it is not felt appropriate to preserve the asset *in-situ* the applicant may be required to carry out a programme of archaeological work or building recording. This is a less satisfactory outcome than preservation *in-situ*, however, as it results in at least partial destruction of the asset. It is not therefore an alternative to preservation *in-situ* and the NPPF states that “the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.” The preservation by record programme can take many forms depending on the nature of the asset and the design of the SuDS. This may include desk-based assessment and structured fieldwork or building recording but may only require a watching brief.

It should be noted that all archaeological fieldwork or building recording should be based on a written specification. This will normally be supplied by Kent County Council. It should also be noted that all archaeological fieldwork will require a post-excavation phase that continues after the fieldwork has completed. This can represent a very significant proportion of all project costs, sometimes costing as much as the fieldwork. In addition, all the finds from the fieldwork must be deposited with a appropriate museum or archive centre. Storage charges are likely to be applied.

5 References and sources of information

Department for Communities and Local Government (2012) *National Planning Policy Framework*

English Heritage (2008) *Climate Change and the Historic Environment*.

Heritage at Risk Register (<https://historicengland.org.uk/advice/heritage-at-risk/>)

Kent Historic Environment Record (<http://www.kent.gov.uk/HER>)



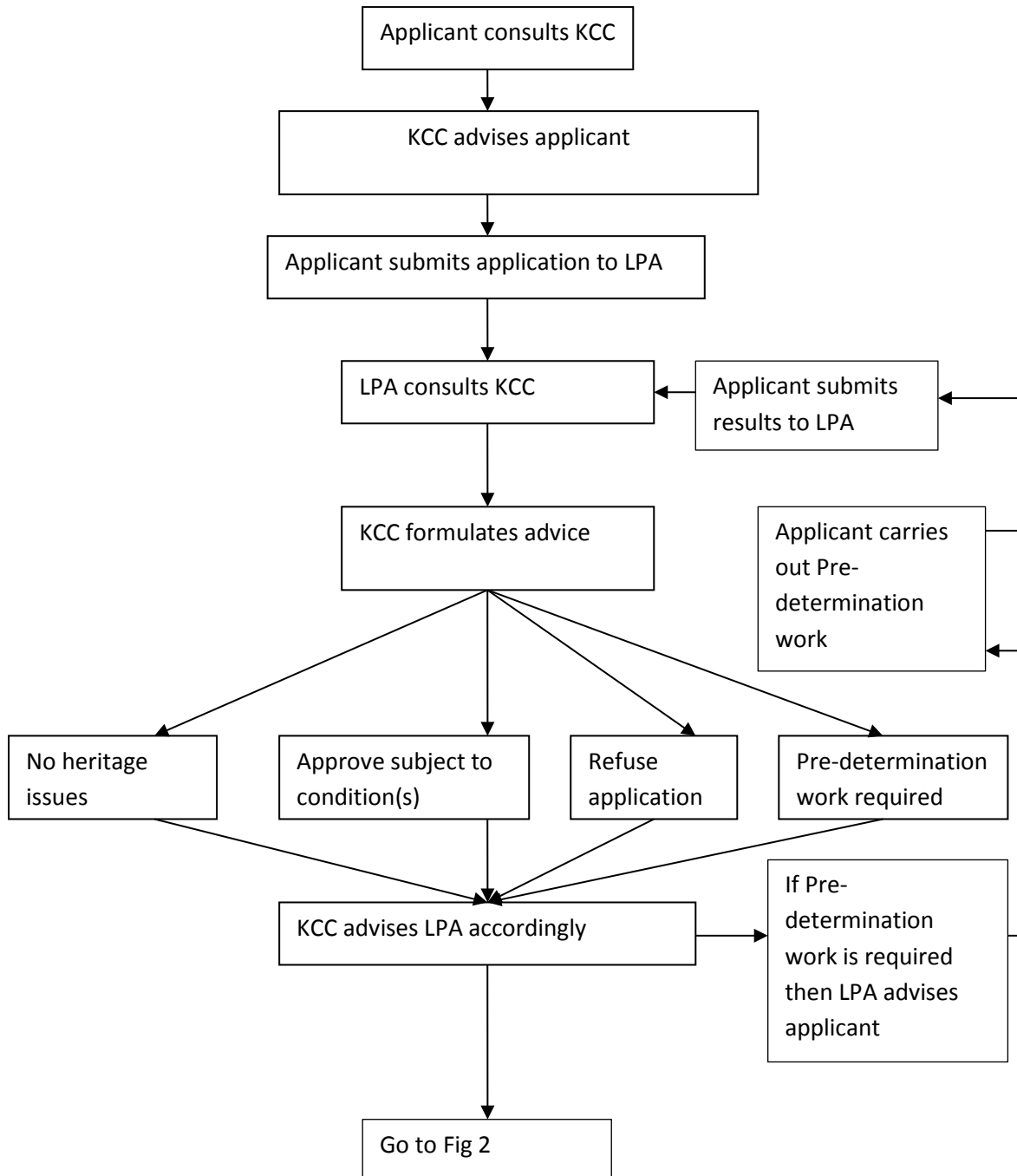


Fig 1 Pre-determination stages of SUDS applications with regards to heritage impacts (other than listed buildings)



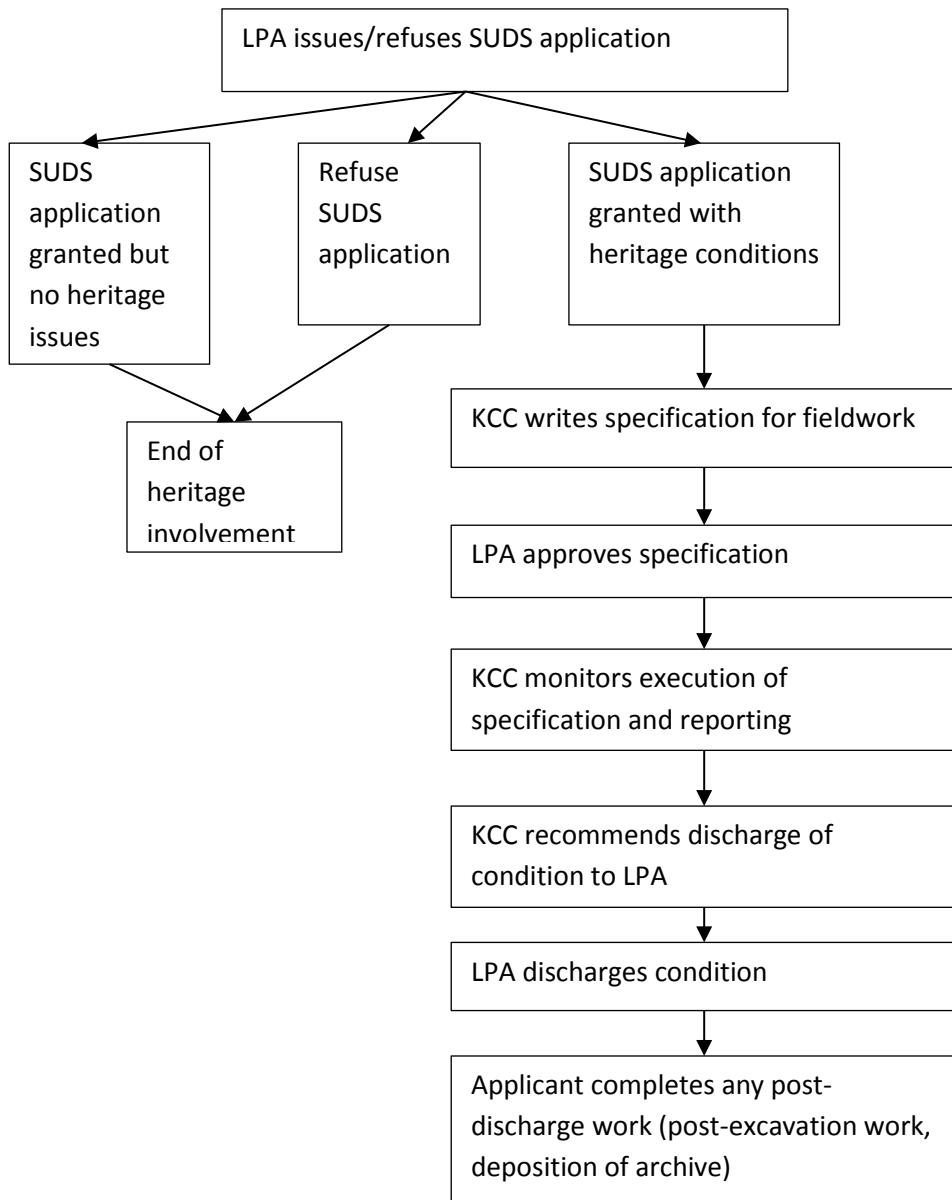


Fig 2. Post-determination stages of SUDS applications with regard to heritage impacts (other than listed buildings)

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Planning Policy
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Kent ME4 4TR

Growth and Communities

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BY EMAIL ONLY

28 April 2023

Dear Sir/Madam,

Re: Arches Chatham Neighbourhood Plan - Regulation 16 Consultation

Thank you for consulting Kent County Council (the County Council) on the Arches Chatham 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.

Chapter 1: Foreword Introduction

Heritage Conservation: The County Council notes that the text does not provide a detailed account of the heritage within the Neighbourhood Plan area, including its history and development. It also does not consider the Neighbourhood Plan area within its wider context relating to the town of Chatham. As a result, this can lead to an under-appreciation of the area's remaining heritage, and cause missed opportunities as the connectivity of the area with historic areas remains unexplored. The County Council would therefore draw attention to [guidance](#) provided by Historic England on how to incorporate heritage into Neighbourhood Plans.

The County Council recommends that the Neighbourhood Plan includes a review of the history of the area and its heritage. The Neighbourhood Plan area has few surviving heritage assets within its boundary but the records of those that have been discovered show that the area has always been influenced by the rest of the Chatham area and Medway more widely. Palaeolithic hand axes have been found in the general Chatham area, and around Luton in

particular. A Middle Bronze Age Rapier, of lozenge-shaped section, was found in 1909 on the site of the "British Queen" public house in Chatham High Street and is now in the Guildhall Museum. Roman Watling Street also ran through the Neighbourhood Plan area. In the western part of the area, the route is not definitely known, however, it probably ran along Chatham Hill. A Romano-British inhumation cemetery consisting of eleven burials with accompanying pottery was found close to the road in 1897. There is little information on the area in the Early Medieval and Medieval periods and it was not until the industrial era that the area began to grow rapidly. However, there are few remains from this period today. Town Hall Gardens are 19th-century public gardens in the town centre. The site, formally the Rope Works, was developed as a burial ground in 1828 when the previous burial ground of St Mary's Church became overcrowded. The former Ragged School in King Street was built in 1858.

The Arches Chatham Neighbourhood Forum is advised to consider the [historic town survey](#) for Chatham, to understand the role of the Neighbourhood Plan area in the historic development of Chatham.

The County Council also recommends that the text reviews the character of the buildings inside the Neighbourhood Plan area, to highlight both the challenges and the opportunities that the Neighbourhood Plan faces. From a heritage point of view, it should also describe the character of the boundaries of the area. To both the north-east and south, the Neighbourhood Plan area is bounded by military landscapes, the open nature of which contributes much to the overall character of the Arches area. The open aspect and clear sight lines in and out of the area, and the compressed nature of the settlement itself, both derive from the presence of Fort Amherst/Great Lines and Fort Luton. The northern tip of the Neighbourhood Plan area is also influenced by the proximity of the Medway and the docks and wharves, and the need for the area to connect to the Royal Dockyard which has influenced the road layout.

Chapter 2: Vision and Objectives

Heritage Conservation: The County Council recommends that the Vision for the Neighbourhood Plan contains a goal to enhance the Arches' historic environment. The area has a legacy of historic housing and combined with the military and maritime heritage that border it, there are good opportunities for using the area's heritage to enhance wellbeing and the local environment. The open military landscape that surrounds the Neighbourhood Plan area offers a way to enhance connectivity between the urban area and more natural landscapes, which can improve green areas in the Neighbourhood Plan area.

The County Council is pleased that the Built and Natural Environment is identified as a policy area that can help deliver the Vision.

Chapter 3: Policies

Policies - Housing

Policy HO7 – Historic Environment

Heritage Conservation: The County Council supports this policy but would recommend that it is located within the Built and Natural Environment section of the Neighbourhood Plan.

Policies - Built & Natural Environment

Biodiversity: The County Council recognises that there is no mention of protected or priority species within the Neighbourhood Plan. It is therefore recommended that a policy which focuses on protected and priority species is included and accords with the [National Planning Policy Framework](#) (NPPF) 2021 and the [Natural Environment and Rural Communities Act](#) (NERC) 2006. The policy could require consideration of protected/priority species in new developments and create a requirement to include habitat features such as bat/bird boxes, hedgehog highways and insect hotels, as appropriate.

Policy BNE1 – Public realm enhancement

Heritage Conservation: The County Council welcomes the objective of enhancing connectivity with the surrounding area. The Arches area does not have a strong historic environment of its own but is well placed to take advantage of very significant historic areas around it, and managing connectivity will be central to achieving this. The County Council's comments made under 'Chapter 1 Foreword Introduction' are also applicable here.

Policy BNE2 - Local Green Space and Policy BNE3 - Public Open Spaces

Biodiversity: The County Council requests that the following sentence in Policy BNE3 is reworded to provide clarification: *"The retention of existing open spaces is required and the location of new open spaces should ensure that it meets local needs"*. This sentence contradicts with the following phrases in Policies BNE2 and BNE3: *"Inappropriate development will not be permitted unless very special circumstances arise"*, and *"Developments which remove public open spaces must replace them with increased biodiversity net gain and replacement of the function of the open space, elsewhere within the Neighbourhood Area"*, as they suggest that development/removal of open spaces will be permitted in some instances. It is therefore recommended that these policies are reviewed and amended accordingly.

In Policy BNE3, the County Council would recommend that the following sentence is amended to: *'Developments which remove public open spaces must replace them ~~with increased biodiversity net gain and replacement of the function of the open space, elsewhere within the Neighbourhood Area,~~ matching the function of the open space, and providing a Biodiversity Net Gain'.*

The Neighbourhood Plan is also advised to consider the mandatory 10% Biodiversity Net Gain expected in November 2023 through the Environment Act 2021, as there is an opportunity to include a percentage that would be expected for new developments.

Policy BNE3 - Public open spaces

Sport and Recreation: Active Kent and Medway acknowledges the current lack of open space and opportunities for recreation in the area and would welcome the introduction of any new open spaces for informal play and recreation. The opportunity for discussion regarding how this space can benefit the community is also welcomed.

Active Kent and Medway also recognises that a number of empty shop fronts could be utilised better for potential sport and community provision, for example, there have been numerous successes when working with boxing, table tennis, martial arts, yoga, tai chi and dance classes. Further discussion is welcomed on how these spaces can be utilised to best suit the community.

Policy BNE4 - Urban Greening

Biodiversity: The County Council recognises that this policy only addresses trees in urban greening. Biodiversity Net Gain will be implemented through the Environment Act 2021 in November 2023 and the DEFRA biodiversity metric will become increasingly important. The County Council would therefore recommend that the policy focuses on the use of the DEFRA metric in order to achieve greener developments. This would provide more scope to include other habitats as well as trees within designs and make the benefit measurable. The County Council would draw attention to [Government guidance](#) on the biodiversity metric for inclusion within the Neighbourhood Plan.

This approach is in line with the [National Model Design Code Guidance Notes](#), which state: “N.3 Biodiversity 82. All new development needs to use, retain and improve existing habitats or create new habitats to achieve measurable gains for biodiversity. This includes landscaping and tree planting”, and with the biodiversity recommendations in section 5.3 of the Neighbourhood Plan’s Strategic Environmental Assessment.

Policy BNE5 - Protection of Designated Sites

Biodiversity: The County Council acknowledges the reference to designated sites in the title of this policy. However, priority habitats do not always occur within designated sites. It is therefore recommended that this policy is divided into two, or the title is altered, for example, ‘BNE5 – Designated Sites and Priority Habitats’.

It is advised that the following abbreviations are written out in full: Special Protection Area (SPA), Special Areas of Conservation (SAC), Ramsar Wetlands of International Importance, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR).

This policy could also reference priority habitats (Habitats of Principal Importance under section 41 of the NERC Act 2006) in general, as new developments could be encouraged to

create new priority habitats within the Neighbourhood Plan area and avoid impacts upon adjacent priority habitats - for example, coastal priority habitats outside of the Neighbourhood Plan area. The County Council would also recommend the following alteration of wording from: “*They should also promote the conservation, restoration and enhancement of priority habitat deciduous woodlands located within the Neighbourhood Area (See DEFRA Central England Inventory 2022)*” to ‘They should also promote the conservation, enhancement and creation of priority habitats located within (and where appropriate/relevant, adjacent to) the Neighbourhood Area (See Natural England Priority Habitats Inventory (England))’.

Policy BNE5 – Rationale

Biodiversity: The County Council recognises that this rationale only addresses proposals for new dwellings within the zone of influence (6km) of the Swale Special Protection Area / Thames Estuary and Marshes Special Protection Area, Medway Estuary and/or Marshes Special Protection Area and Wetlands of International Importance under the Ramsar Convention (Ramsar Site). It is recommended that this section is revised to provide a broader focus than recreational pressure on birds making use of nearby designated sites, for the following reasons:

- The County Council can identify that the Neighbourhood Plan Habitats Regulation Assessment has screened out effects on internationally important designated sites from impacts other than recreational pressure. However, other impacts will still need to be considered at a project level;
- The rationale does not consider the effects from habitat loss, fragmentation or degradation - for example, priority woodland in the Neighbourhood Plan area;
- The rationale does not consider the possible Biodiversity Net Gains achievable through the creation/enhancement of priority habitats in the Neighbourhood Plan area; and
- The rationale does not reference relevant legislation and policy, for example, the Environment Act 2021, NPPF 2021 and the NERC Act 2006, which places a duty on local authorities to have regard to conserving biodiversity.

Policy BNE6 Non-designated heritage assets

Heritage Conservation: The County Council welcomes this policy but would recommend that the text is more assertive by promoting the protection of non-designated heritage assets. Being identified as a non-designated heritage asset is not merely a means to prevent harm, but it should also seek to ensure development that positively enhances the assets should be encouraged. The text is also recommended to include that further non-designated heritage assets may be identified in the future and that the list of assets presented is not intended to be final.

Policies - Sustainable Transport

Highways and Transportation: The County Council, as Local Highway Authority, notes that any development proposed for Chatham will need to consult the County Council as Local Highway Authority for Kent and National Highways, to specifically assess the impact of trips

generated on Blue Bell Hill junction due to existing traffic delays. The Running Horse Roundabout, M20 Junction, is a safety issue within Kent, and therefore any intensification will also need to be carefully considered here.

Supporting Documents

Appendix A - Design Code

Biodiversity: The County Council recommends that further reference is made to biodiversity in Appendix A and would draw attention to the National Model Design Code which includes the following biodiversity guidance:

- *“Implementation of the government’s Biodiversity Net Gain Policy and the Local Nature Recovery Strategies.*
- *The retention of natural features such as trees, woodlands and hedgerows and other ecological features.*
- *Guidance on design for biodiversity.*
- *The provision of street trees relating to types of streets plus the design, placement and species to be used.”*

The County Council would ask that this guidance be included in the design code for biodiversity, as there is currently no reference in the policies or local design code regarding habitat features for biodiversity. For example, integrated bat/bird boxes, hedgehog highways or features for invertebrates could be required to be incorporated in development proposals as appropriate.

Habitats Regulations Assessment

Biodiversity: There appears to be a formatting issue on page 22 of the document and it is suggested that this is amended accordingly.

Strategic Environmental Assessment

Biodiversity: The County Council notes that suggestions relating to biodiversity in the Strategic Environmental Assessment would benefit from inclusion in the Neighbourhood Plan policies.

The County Council 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,



Stephanie Holt-Castle
Director for Growth and Communities

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Growth and Communities

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1 June 2023

BY EMAIL ONLY

Dear Louise,

Re: Capel Parish Neighbourhood Plan (2022-2038) - Regulation 14 Consultation

Thank you for consulting Kent County Council (hereafter referred to as the County Council) on the Capel Parish Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

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

Chapter 2 About Capel

Paragraphs 2.4-2.11

Heritage Conservation: The County Council is supportive of the draft Neighbourhood Plan and, in particular, welcomes the thoughtful approach it has taken to Capel's heritage. The County Council has made some detailed comments but these should be considered in light of the general support of the heritage conservation related material within this Neighbourhood Plan.

The brief review of Capel's heritage begins in the post medieval period with mention of Capel's oast houses. Oast houses only date from the 16th century and, as the text notes, Capel's history is far older than this. The County Council would suggest that the short paragraph below is included which recognises the antiquity of Capel's heritage:

Capel sits in an ancient landscape and includes heritage assets dating back to prehistory, in particular Castle Hill hillfort, a scheduled monument. In the south of the parish, in the area of

the High Weald AONB, the landscape shows strong continuity from the past and has been described as one of the best surviving medieval landscapes in northern Europe.

The County Council also considers that this section could benefit from some re-organisation. It starts with post medieval oast houses and then discusses medieval Domesday and related ownership matters. It might be clearer to progress chronologically through time.

Paragraph 2.11

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, welcomes the recognition of flood risk as an issue for the parish. The County Council also supports the Vision for Capel and the Neighbourhood Plan's objectives to accommodate flood risk and the impacts climate change will have on it.

However, the County Council has concerns with the wording of paragraph 2.11 which states "*the railway embankment has undoubtedly contributed to flooding in Five Oak Green in recent years*", with further similar references in paragraphs 6.18 and 6.24. Recent flooding has been associated with a number of causes, including the culvert between Five Oak Green Road and Finches Farmhouse. The Alders Stream emerges from the culvert near Finches Farmhouse and is open for approximately 50m before passing under the railway line. The County Council is not aware that Finches Farmhouse has flooded in all the events listed, which it would have done if the railway and its embankment were the cause of flood risk. The railway embankment may impede the flow of flood water to the north, but this is only in extreme floods. Smaller floods tend to focus around the highway as the local low points and not the properties that back on to the railway embankment - this is certainly the case for the flood in 2020. The County Council would recommend that this sentence is amended and reference to the railway embankment is removed.

Paragraph 2.19

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. It should be noted that PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The County Council is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the County Council [Rights of Way Improvement Plan](#) (ROWIP) and the County Council ['Framing Kent's Future'](#) strategy for 2022-2026. The County Council 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 is encouraged that local residents value opportunities to access their local landscape, such as with the series of published local walks as referred to on page 14. It is, however, regrettable that there are various difficulties and hazards that face walkers and cyclists, and presumably also equestrians (as referred to in Appendix E). It is hoped this Neighbourhood Plan will be able to effectively assist in improving access for the benefit and enjoyment of future residents through consideration of the points raised within this response in respect of PRoW.

Paragraph 2.19 states “*There is a well-maintained network of footpaths and bridleways around the parish...*” and the acknowledgement of the County Council’s work to protect and enhance the PRoW network is welcomed. However, the statement is incorrect in that there are only 3 bridleways (and one Public Byway) within the parish and these are disparate and do not provide a useable network for off-road cycling or equestrian use. The County Council would also refer to the need to correct the reference to a footway over Postern Lane railway bridge on page 158; the path is a Public Footpath, not a footway.

Chapter 3 A Vision for Capel

PRoW: The Neighbourhood Plan's underlying principles (page 17), Vision (page 18), and Objectives (pages 18-19), allow opportunities for maintaining and enhancing the local PRoW network, which will make a significant contribution in delivering the Neighbourhood Plan's overall aims 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 users. PRoW should, therefore, be given positive regard in this and all development plans. Objective 5 (page 19) is welcomed but it is unclear as to how such a strategy will be established and this should be addressed.

In reference to the value of the PRoW network, the Neighbourhood Plan makes only a few specific references to PRoW albeit it mentions the ambition for improving walking and cycling. Increasing recognition of the PRoW network and including the term within the Plan's Glossary, would be advantageous for raising its profile and highlighting the benefits an improved PRoW network will deliver for residents.

The Vision for the Neighbourhood Plan

Heritage Conservation: The County Council welcomes the inclusion of the reference to “*protected heritage*” in paragraph 3.3.

Chapter 6 Character, Heritage and Design

Measures to Mitigate Flooding – major developments

SuDS: The County Council, as Lead Local Flood Authority, would query the need for the requirement in Section 6.34, as this is already reflected in planning policy and guidance. Should the Parish Council wish to include this section within the Neighbourhood Plan, then it is recommended that it may also wish to consider development on brownfield land, where the accepted standard is for development proposals to ideally achieve the equivalent greenfield run off rate for the site prior to any development. If this is unachievable, then a 50% reduction to the existing discharge rate should be demonstrated.

Character of the Built Environment

Heritage Conservation: In reference to paragraph 6.5, the County Council welcomes reference to the Historic Landscape Characterisation. This provides essential time-depth to the consideration of landscape matters and should be considered alongside the Landscape Character Assessment.

The individual settlements

Heritage Conservation: In consideration of paragraph 6.11, in addition to the design principles mentioned, the Neighbourhood Plan could usefully reference the [Kent Farmsteads Guidance](#) which provides a methodology for assessing the historic settlement pattern of farmsteads in Kent, and its corresponding suitability for additional development.

Policy C5 Mitigating the Impact of Flooding

SuDS: The County Council, as Lead Local Flood Authority, requests clarification on who will conduct the analysis requested in paragraph C of Policy C5, to ensure that there is sufficient capacity in the local sewerage system for planning proposals. The Sewerage undertaker has a duty to accept new connections and will make its own assessment of the impacts on capacity. This would, therefore, not be able to be controlled through a neighbourhood plan.

The County Council, although supportive of paragraphs E and F of Policy C5, would query their necessity as there are planning policy requirements reflective of these paragraphs already in place. It is therefore recommended that these paragraphs are removed.

The County Council, as Lead Local Flood Authority, recommends that the Neighbourhood Plan should seek to ensure that development in the parish reduces flood risk offsite. This could be provided in a similar way to flood policies within the Paddock Wood Neighbourhood Plan.

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

When SuDS are planned it is important that the potential impact on the historic environment is fully considered and any unavoidable damage is mitigated. This is best secured by early consideration of the local historic environment following consultation with the Kent Historic Environment Record (HER) and by taking relevant expert advice. The County Council has recently produced advice for SuDS and the historic environment. It provides information

about the potential impact of SuDS on the historic environment, the range of mitigation measures available and how developers should proceed if their schemes are believed likely to impact on heritage assets. It is requested that this is considered in future drafts of this section.

Policy C6: Conserving Heritage Assets

Heritage Conservation: To ensure clarity, the text within paragraph 6.37 should be re-worded “140 listed **building entries**”.

In reference to paragraphs 6.40 – 6.42, the County Council welcomes the list of non-designated heritage assets and in particular the inclusion of archaeological sites. The County Council would further welcome the explanation that archaeological sites can be heritage assets. It should also be noted that Bloomeries in the area are iron production sites, usually fuelled by charcoal. The text currently suggests they are sites for the burning of charcoal and it could usefully be amended to ensure clarity.

Chapter 7 Environment and Green Space

Policy C7: Green and blue infrastructure and delivering biodiversity net gain

Biodiversity: The County Council recommends that the wording of this policy is amended to the following:

*“A. Development proposals should be designed to create, conserve, enhance and manage green spaces and connect chains of green and blue infrastructure, as identified on the Policies Maps, with the aim of delivering a measurable net environmental benefit (where net gain involves a post development increase in biodiversity units of 10%) for local people and wildlife. **All development (unless exempted¹) will be required to provide a minimum biodiversity net gain of 10%, calculated using the Defra biodiversity metric (or as amended) and evidenced within a biodiversity gain plan submitted as part of the planning application. Smaller sites may instead be able to make use of the Small Sites Metric published by Natural England.***

Subject to their scale, nature and location, proposals for development must be supported by a biodiversity appraisal, which must demonstrate how negative impacts would be minimised and biodiversity net gain achieved.

*B. The ~~appraisal~~ **biodiversity gain plan** should demonstrate that where significant harm cannot be avoided, proposed development and other changes should adequately mitigate or, as a last resort, compensate for the harm. ~~The appraisal must demonstrate a measurable biodiversity net gain of 10% by utilising the Defra biodiversity metric (or as amended).~~ **Where adherence to the mitigation hierarchy and a minimum 10% biodiversity net***

¹ Some exemptions for very small sites will apply. These will be in line with outcomes of the biodiversity net gain consultation (unless or until changes come into force through further legislation/guidance). The list of exempted sites are available [here](#).

gain is not demonstrated, permission for planning or for change of use should be refused”.

It is also advised that paragraph D mentions local wildlife sites and other designated sites.

Policy C8: Managing the environmental impact of development

Biodiversity: The County Council proposes the following amendments to this policy, and considers that it could have a stronger focus on protected and priority species and habitats.

“Development proposals should maintain and where practicable enhance the natural environment, landscape features and the rural character and setting of the neighbourhood area.

Ecological Impact Assessment:

- i. Unless adequately justified as a result of the small-scale nature and limited potential impacts of the proposal, all proposals for development will be supported by an Ecological Impact Assessment (EclA) carried out in accordance with the latest [Chartered Institute of Ecology and Environmental Management \(CIEEM\) best practice guidelines](#).*
- ii. Proposals for development will be expected to apply the mitigation hierarchy including, firstly, demonstrably attempting to avoid impacts to habitats of ecological value.*
- iii. The assessment will include particular regard to the safeguarding of protected and priority species as well as the retention and enhancement of protected and priority habitats. Where loss cannot be avoided, mitigation measures should be applied and, where mitigation cannot address the impacts, compensation will be required.”*

The County Council also recommends that paragraph iii makes reference to the [Kent Biodiversity Strategy](#) or the Natural Environment and Rural Communities Act 2006 for the safeguarding of protected and priority species.

Trees and woodland

Biodiversity: The County Council notes that woodland is not the only priority habitat showing on national datasets as being present in the parish. Wood pasture and parkland, traditional orchards, and lowland meadows are also present according to the [Multi-agency Geographic Information for the Countryside](#) (MAGIC) website. These habitats receive consideration within planning policy and would benefit from specific reference within Policy C8. The County Council therefore proposes the following modifications to this policy:

- i. “There should be no unacceptable loss of, or damage to, existing trees or woodlands during or as a result of development. **Ancient woodland, priority woodland and veteran trees should be retained and protected within proposals.** If veteran or notable trees must be removed, they should be replaced*

with trees of a similar potential size and native species elsewhere on the site, unless this is clearly not possible.

- v. ***Any adverse impacts to ancient woodland and veteran trees are only acceptable where there are wholly exceptional reasons² and a suitable compensation strategy has been produced.***

It is also noted that veteran trees are currently protected in the National Planning Policy Framework (NPPF), paragraph 180. The County Council therefore recommends that there is stronger wording regarding ancient woodland and veteran trees in this policy:

- vii. ***“Retained All priority habitats woodland and mature trees must have a minimum buffer of complimentary habitat of 10m, and more if required (for instance ancient woodland or veteran trees require a minimum buffer of 15m).”***

Wildlife-friendly features:

- x. ***The provision of wildlife-friendly features such as hedgehog holes in new residential fencing, hedgehog houses, bird and bat boxes, insect hotels and log piles/hibernacula will be supported and bird and bat nesting boxes.”***

The County Council considers that the Neighbourhood Plan would benefit from clearer direction and statements on other priority habitats such as traditional orchards, wood pasture and parkland, and lowland meadows within the parish. These would be best addressed in a separate, appropriately headed section to avoid confusion.

The County Council also recognises that there is an opportunity to specify further details and add strength with regards to the provision of habitat features within the policy. For example, every new residential dwelling must include at least one bird or bat box and timber fencing without hedgehog holes should not be accepted. Additionally, wording could be included to state a preference for woodstone and integrated bird/bat boxes which will be more durable and more appropriate for development projects than wooden boxes. Hedgehog highways are recommended to have signs to indicate to new residential occupants the purpose of any holes in their fencing.

The County Council would draw attention to the mandatory Biodiversity Net Gain requirements coming into effect in November 2023 and April 2024, and the likely greater emphasis on providing all of the information relevant to Biodiversity Net Gain (and this includes management) upfront, prior to determination.

Policy C9 Dark Skies

In order to protect wildlife, it is suggested that reference is included within Policy C9 to the Institution of Lighting Professionals '[Bats and Artificial Lighting](#)' guidance. The County Council therefore recommends that the policy is amended to include the following text:

² For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

- iv. *“the guidance on lighting provided in the Institution of Lighting Professionals (ILP) Guidance Note GN01: The Reduction of Obtrusive Light (and any subsequent revisions) is adhered to. **Where appropriate, the ILP Guidance Note 8 Bats and artificial lighting (or subsequent revisions) should also be adhered to. Proposals should consider carefully, and provide details of, the light source and intensity being used, the luminaire design, height, and angle, as well as lux level contour plans where appropriate.**, adding ~~B~~baffles and cut-off shields **should be included** where required, and details of control mechanisms to dim or switch off lighting schemes when not required. Where appropriate, lights should be controlled by passive infrared detectors so that they only come on when needed.”*

Chapter 9 Transport and Movement

PRoW: The County Council welcomes the suggestions within the Neighbourhood Plan to enhance the network, and particularly bullet point 4 of paragraph 9.20 that acknowledges upgrading of certain paths to bridleways. Given the terrain within the parish, the County Council considers a number of Public Footpaths could usefully be upgraded in status, so helping to alleviate the safety issues of cyclists and equestrians sharing road space with vehicles. It is recommended that Capel Parish Council identifies paths to upgrade and includes these in the Neighbourhood Plan's list of Non-Policy Actions to evidence demand when Tunbridge Wells Borough Council (TWBC) is preparing its Infrastructure Development Plan or should the County Council be seeking to improve access in the parish. The County Council recommends the list of Non-Policy Actions should be able to be added to by residents and kept under constant review to ensure its relevance. The list of projects could include those big and small - the bridleway projects in Figure 9.1 would be good examples, also a cycling link to the Pembury - Tonbridge cycle path (Appendix E); whereas residents' concerns can sometimes be overcome by laying a few metres of surfacing or replacing gates or other barriers that prove an inconvenience or even a barrier to public access.

In seeking to enhance the network as suggested above, the County Council strongly encourages joint working with the Parish Council to ensure consistency with standards around the county PRoW network and the various applicable statutory procedures. Accordingly, Objective 7 (page 19) and paragraph 9.19 are supported and the incorporation of the principle within Policy C14 is encouraged. Working with neighbouring parish councils may also advantageously improve access within the parish, enabling resources to be pooled to benefit residents of more than one parish - perhaps creation of a bridleway towards East Peckham/ Little Mill could help residents avoid use of the A228.

The County Council is encouraged to note the concept of Active Travel, which is a key policy for the County Council and within the emerging Tunbridge Wells Local Plan. The term, however, is not defined within the document, so it is recommended a definition is stated within the Glossary. This will ensure references are consistently interpreted so designers of future developments and the Borough Council give it due weight in preparing and determining future planning applications. The definition used by the County Council within its [Active Travel Strategy](#) is encouraged.

Policy C15: Mitigating vehicular impacts at highway hotspots

Highways and Transportation: The County Council, as Local Highway Authority, has reviewed the Capel Neighbourhood Plan and supports the underlying principles and objectives relating to transport (extracts below). However, the Local Highway Authority is concerned about Policy C15 on page 92 (copy below) which seems very prescriptive, and does not seem appropriate or consistent with the NPPF.

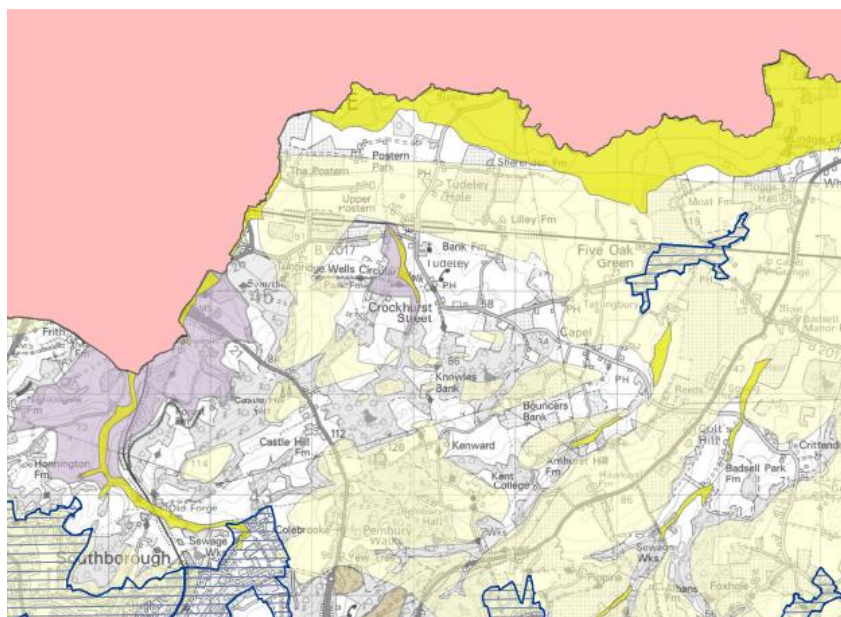
The County Council would therefore propose the following modifications:

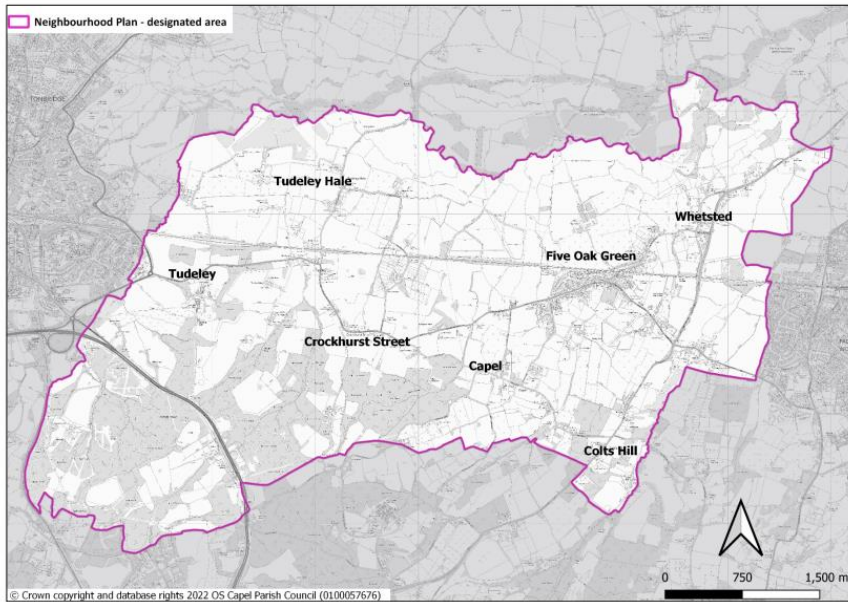
*“A. All Transport Assessments (for larger sites) or Transport Statements (for smaller sites) as required by paragraph 113 of the National Planning Policy Framework must address to the satisfaction of the highway authority **their** direct and cumulative transport impact. **Whilst the scope of each assessment will depend on the specific development proposal, it is requested that developers consider the following areas in their submissions**”*

Additional Commentary

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, notes that the area has a number of safeguarded waste management sites that are safeguarded by Policy CSW 16: Safeguarding of Existing Waste Management Facilities of the [Kent Minerals and Waste Local Plan 2013-30](#) (Early Partial Review 2020). The Neighbourhood Plan does not propose development that either threatens the direct loss of these facilities or are within 250m of them, however, the County Council would still recommend that the Neighbourhood Plan makes reference to the fact that these facilities are safeguarded to fully inform what policy based constraints exist within the area.

There are three types of safeguarded land-won minerals within the area of the Neighbourhood Plan, as shown below on an extract from the Mineral Safeguarding Area (MSA) map for the TWBC area:

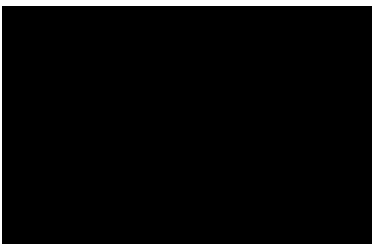




Though the Neighbourhood Plan does acknowledge the Kent [Minerals and Waste Local Plan 2013-30](#) (Early Partial Review 2020), it does not define any of the MSAs with the widespread mineral safeguarded deposits that are present in the Neighbourhood Plan area. However, the Neighbourhood Plan is not proposing development in addition to those allocations within the emerging TWBC Local Plan. Therefore, although land-won mineral safeguarding considerations are not directly relevant, the Neighbourhood Plan could reference the relevant MSAs of the area and draw attention to this potential constraint if development is proposed beyond the allocations within the emerging TWBC Local Plan.

The County Council 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



Simon Jones
Corporate Director, Growth, Environment and Transport



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BY EMAIL ONLY

9 June 2023

Dear Sir/Madam,

Re: Technical Consultation on the Infrastructure Levy

Kent County Council would like to thank you for the opportunity to comment on the Technical Consultation on the Infrastructure Levy.

The County Council has long supported the Government's growth ambitions and is in support of the principles underpinning the proposals put forward, which seek to ensure that local authorities receive a fairer share of developer contributions to fund much needed infrastructure. However, the Authority would like to take the opportunity to express its strong concerns on some of the details relating to these proposed changes, as they are likely to leave communities with less funding available towards infrastructure, fewer affordable homes, and mixed and balanced developments.

Please find the County Council concerns below:

Firstly, the County Council is extremely concerned that the role of county councils, in two tier areas, is absent from this consultation. As a key strategic infrastructure provider, with considerable statutory and non-statutory roles in the delivery of infrastructure to support high quality, plan-led growth, this absence is of particular concern. If these proposed changes are implemented, the County Council will have very little influence over the setting of the Infrastructure Levy and spending priorities, which is unacceptable.

The County Council works extensively with the district and borough authorities across Kent to ensure that necessary infrastructure is planned, funded and delivered in a timely manner to support sustainable communities. However, since the introduction of the Community Infrastructure Levy (CIL), the ability to secure the necessary funding to support infrastructure in the areas which have adopted the CIL has already been severely diminished due to the

difficulties in the County Council being able to obtain an appropriate proportion of the money raised. This is largely due to the governance arrangements set up by each Charging Authority but partly due to the current number of exemptions. This shortcoming of the CIL is not addressed through the proposals for the new Levy.

The County Council is therefore seeking a greater role in the Infrastructure Levy including in the setting of rates, mandatory involvement in the Infrastructure Delivery Strategy preparation, prioritising the infrastructure needs and, collecting and spending the Levy. If the proposals are introduced as per the Technical Consultation, the County Council is concerned that the new system will result in insufficient funding for strategic infrastructure with the Levy directed to local projects and services which do not meaningfully mitigate the impact of development.

Secondly, the County Council would like to make it clear that the later timing of the Levy payments is a considerable concern. It is recognised that there needs to be a balance in the cash flow to ensure that developments remain viable, however, infrastructure must be delivered in a timely manner at the point of need. As most strategic infrastructure is needed to be provided upfront or at the early stages of a development, the assessment of the liability and payment of the Levy at the latter stages creates a considerable risk and concern to the County Council as the Levy income is not secure. All infrastructure providers need to be confident that the necessary funding for delivering infrastructure has been secured, not simply borrowed at risk. The details regarding the inherent risk of borrowing and the availability of borrowing also appears to lack considerable detail. Both local authorities and county councils are concerned as to who takes on the responsibility for this risk of borrowing and how it can be made more secure.

Thirdly, County Council is concerned with the proposal to change the definition of infrastructure. As proposed, the Levy will be able to be spent across additional projects, which cannot reasonably all be funded by the Levy. This includes affordable housing, the operation and maintenance of infrastructure and also expensive infrastructure such as water treatment. This means that the demands on developer contributions could become excessive with less money available for strategic infrastructure, which is what the Levy is proposed to fund. The proposals put forward could therefore result in less funding for much needed infrastructure for our communities.

The County Council has provided evidence to show that section 106 agreements can still be used effectively to create bespoke infrastructure solutions to support the delivery of high-quality, plan-led growth. The County Council notes that the Technical Consultation refers to section 106 agreements as being unreliable. It is, however, the County Council's experience over a number of years that legal agreements can help secure funding towards much needed infrastructure and it is therefore of significant concern that their future use could be restricted.

The County Council is also concerned with the level of resources that will be made available to alter the current system. This includes facilitating Infrastructure Delivery Plans, assessing viability statements, introducing the test and learn approach, and the preparation and attendance at public enquiries as these will all take a significant amount of time and resources for all parties. The County Council would therefore ask that proper training and funding is provided to support these new processes if they are brought forward.

Overall, the County Council welcomes the aims of the proposal of the Infrastructure Levy but as its response sets out, there are also considerable concerns which will all have significant implications for the County Council in its role as a key strategic infrastructure provider and on the level of funding available.

The County Council is keen to work with the Government to ensure that reforms to developer contributions are effective in securing the necessary infrastructure to support growth. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours sincerely



Simon Jones

Corporate Director of Growth, Environment and Transport

Encs:

Appendix A: Kent County Council response to Technical Consultation on the Infrastructure Levy.

Technical consultation on the Infrastructure Levy

Kent County Council response

9 June 2023

Response to the Introduction

Kent County Council (hereafter referred to as the County Council) notes and welcomes the support for an infrastructure first approach to development, laid out in the consultation, which ensures that communities have access to the infrastructure required to support sustainable growth.

The County Council strongly requests a better recognition of its role and responsibilities around infrastructure and developer contributions, which are of noticeable absence in this consultation. County councils across the country, including Kent, have a statutory duty to provide infrastructure and services for their residents and communities and therefore have considerable levels of evidence and experience in delivering infrastructure. It is therefore requested that their role is recognised and taken into account when drafting the new legislation. It is also requested that all local authorities are required to engage with county councils in all infrastructure and strategic planning matters surrounding the Levy as their input is vital. Rather than just encouraging engagement, their input should be mandatory.

As a County Council, there is currently no predictability or certainty created through the CIL. The difficulties in securing necessary funding for county council infrastructure and services through this mechanism are well documented in Infrastructure Funding Statements across the country. Although there are some uncertainties around section 106 agreements due to elements of negotiation, the County Council would note that this can create successful and bespoke solutions to complex sites, which should be retained and recognised.

The County Council does support the proposal for developer contributions to be responsive to market conditions as proposed in the consultation. This will ensure that best value can be secured from development to allow for the delivery of high quality, resilient infrastructure to support sustainable communities. However, responding to market conditions means that values may also go down, and this risk and impact on infrastructure provision should be recognised, especially as the consultation suggests that local authorities should take out loans to cover the delay in the income of the Levy.

The County Council notes the reference to wider government funding for infrastructure and affordable housing, but it should also be recognised that wider government funding is required to unlock highly constrained sites to allow them to be brought forward for development and is not available for every site. The County Council is concerned that the inclusion of affordable housing and other facilities and services, within the classification of 'infrastructure' could result in the loss of funding towards other types of infrastructure and the correct balance therefore needs to be met. Currently, for CIL charging authorities, affordable housing is normally lost to ensure that CIL can be paid. It is important to ensure that this balance is not reversed. This concern is supported in the 'Improving Infrastructure Funding and Delivery' report by the County Councils' Network which raises similar concerns.

<file:///C:/Users/PambeC01/Downloads/Improving-infrastructure-funding-and-delivery-report-for-County-Councils-Network-by-Pragmatix-Advisory.pdf>

The County Council would note that land must only come forward for development where infrastructure is available, or new infrastructure can be secured and delivered to support the development. The timing of the payment of the Levy is a considerable issue for the County Council; this matter is covered within the response to the questions below but it should be noted that in order to deliver infrastructure in a timely manner, funding must be secured (not just borrowed). There is considerable risk to county councils and other local authorities borrowing against the Levy, only for subsequent market changes reducing the ability to raise the necessary funding.

Overall, it is important to note that, even within the introductory statements, the lack of consideration of two-tier authorities and the role that county councils play as a key infrastructure and service provider, is a significant omission in this consultation.

Chapter 1 – Fundamental design choices

General commentary

The County Council is extremely concerned to note that section 106 agreements are being further restricted. Section 106 agreements have been the only funding mechanism that provides sufficient (or close to sufficient) funding to facilitate the acquisition of land and the delivery of infrastructure and services such as schools and roads for the County Council. It is not considered that section 106 agreements are the only factor which causes delays in the issuing of planning consents. The elements of uncertainty and negotiation, mentioned in the Consultation as currently delaying applications, will remain with the Infrastructure Levy through the negotiation of integral and levy funded infrastructure and with the Gross Development Value GDV.

A reduction in the availability of section 106 agreements will significantly compromise the ability of the County Council to react to the Pupil Product that will emerge from new housing development. New schools can be the most expensive form of infrastructure required to accommodate the needs of new communities. For example, a development of 1,500 new homes will require 2 Forms of entry (2FE) of primary provision and 2FE of secondary provision. A new 2FE primary school is currently costing in the region of £10.5m to deliver, with 2FE of secondary provision costing a similar amount. These costs increase year on year. The Levy must be able to secure this level of contribution for it to be effective in the delivery of education infrastructure and this is just one example.

This current definition of infrastructure includes the provision of additional school places to accommodate the need generated by new development. This may be by expanding existing schools or building new schools. Most schools in Kent that could be expanded have now been expanded, meaning that new schools are now the usual infrastructure requirement. There appears to be little awareness of the costs of new school infrastructure, and the separation of District (as the proposed charging authority) from the County (as holder of the statutory duty) exacerbates this. There should be a statutory requirement for district councils to consult with county councils to get an up-to-date picture of what is needed, what is

forecast, the options available and most importantly the latest cost estimates for new provision.

The County Council welcomes the ability of the new Infrastructure Levy to support land transfers and for any funding to be spent strategically, not necessarily on the development site.

The County Council is supportive of the recognition of Biodiversity Net Gain as integral infrastructure given its importance in the delivery of environmentally sustainable development.

The County Council would also suggest that funding the maintenance of infrastructure must also be addressed. The proper maintenance of infrastructure must be adequately funded to ensure continued benefits of the infrastructure for the community. It is important however that the correct balance is met, to ensure that in allowing local authorities to be flexible that it does not result in less money for infrastructure provision, particularly if local authorities use this flexibility to direct the Levy to prop up their own services.

The County Council notes that there is little or no mention of encouraging and ensuring modal shift away from current transport modes and toward sustainable transport, and this is also not reflected in the priorities of infrastructure.

Question 1: Do you agree that the existing CIL definition of 'development' should be maintained under the Infrastructure Levy, with the following excluded from the definition:

- developments of less than 100 square metres (unless this consists of one or more dwellings and does not meet the self-build criteria) – Yes/No/Unsure

Yes

Buildings which people do not normally go into - Yes/No/Unsure

Yes

Buildings into which peoples go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery - Yes/No/Unsure

Yes

Structures which are not buildings, such as pylons and wind turbines. Yes/No/Unsure

Yes

Please provide a free text response to explain your answer where necessary:

The County Council considers that where development is likely to have an impact on infrastructure and services, be it local or strategic, then it should be considered as liable development to be charged under the Infrastructure Levy. Development that has a small footprint, and which people do not normally go in, will not significantly impact upon infrastructure and therefore the County Council agrees with the thresholds proposed. The only issue that should be considered is if several developments with a small footprint occur,

on the same site or immediate area, then the cumulative impact could be more significant and impact on infrastructure needs. The County Council therefore asks that this be considered.

Question 2: Do you agree that developers should continue to provide certain kinds of infrastructure, including infrastructure that is incorporated into the design of the site, outside of the Infrastructure Levy? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

The County Council considers that infrastructure incorporated within the design of the site is essential for place-making and can only be provided by the developer. Developers should continue to provide this in addition to 'Levy-funded' contributions. However, information as to how this would work around the viability of the schemes needs to be better understood. Currently, when CIL is paid, it often means that other discretionary features of the application such as affordable housing, design and landscaping suffer due to viability issues. It is important to ensure that including infrastructure into the design of the scheme, as well as paying the Levy does not make sites unviable. In addition, it could also mean that if they pay all the on-site infrastructure and also provide affordable housing, this would reduce the amount left for strategic infrastructure which is essential for sustainable growth. This would be unacceptable.

Specific mitigation measures such as highways section 278 works and education land and infrastructure, will always be a necessity. The Technical Consultation refers to water and wastewater treatment and Biodiversity Net Gain which would also be required to be planned at a strategic level and secured through planning applications for larger strategic sites. Other transport infrastructure for rail or water including bridges (or more specifically their approaches) may also require integral land. The County Council would also ask that the distinction between infrastructure which should be provided on site and that funded by the Levy is made clear. This will ensure that some of the strategic infrastructure which may need to be provided on the site is not lost between the two definitions and risks not being provided. A clear distinction will also help to reduce disputes.

The County Council, as Minerals and Waste Planning Authority, and as Waste Disposal Authority, notes that waste infrastructure has not been considered within this section. The County Council would stress the importance for this infrastructure to be included, within any proposed definition, given its local and strategic nature and vital importance to the delivery of sustainable communities.

As Local Highway Authority, the County Council also notes site access and internal highway network (regardless of whether this is to be adopted by the Local Highway Authority) should be provided as an intrinsic part of the development itself. Hence, all risks on delivery costs should sit with the developer as part of the inherent risks of developing a site. The County Council would therefore urge that it must be clarified which types of infrastructure will be considered integral to avoid any ambiguity in this definition.

The County Council would also request clarity as to whether the ability to use the Levy to buy land will also extend to any remediation which may be required to ensure land is suitable for development.

The County Council supports paragraph 1.23, which states that Levy receipts can be passed on to third parties such as county councils. This is because county councils are a key infrastructure and service provider with statutory functions, providing local and strategic infrastructure and supporting the delivery and maintenance of new and existing communities. More detail must be provided, and a greater role given to county councils in the Levy, stating clearly defined routes for county councils to secure necessary funding.

Question 3: What should be the approach for setting the distinction between 'integral' and 'Levy-funded' infrastructure? [see para 1.28 for options a), b), or c) or a combination of these]. Please provide a free text response to explain your answer, using case study examples if possible.

The County Council would support a combination of approaches for setting the distinction between integral and Levy-funded infrastructure.

The County Council would raise concerns with principles and typologies being set locally only. Where two-tier authorities are operating, this option is considered unworkable, as it would rely on local authorities (District and Borough Councils) to establish the list of items to be included on the integral list. The County of Kent has twelve Local Planning Authorities operating different systems and governance when dealing with developer contributions. Implementing this system under the Infrastructure Levy would only serve to exacerbate the issues currently experienced with CIL funding, with low percentages of CIL being passed on to county councils. Among the 12 LPAs, Kent has five CIL authorities, all operating under differing schedules and governance. All five are unable to provide the required levels of mitigation required for statutory infrastructure and services (including education and highways). Influence on decision making for infrastructure management must be dealt with by the statutory undertakers and/or at a higher strategic "county" level whether devolved or otherwise. At present, due to the County Council's role in developer contributions, it can be challenging to ensure that infrastructure that is provided by the County is given the same level of priority compared with that provided by the district. Both district and county infrastructure must be planned for and delivered in collaboration for sustainable and resilient communities to thrive.

The County Council considers that a set of principles may be a more effective way of helping to define 'integral' infrastructure, but this would require careful consideration. It would also expect that the definitions should be tested, and this could occur through the proposed 'test and learn approach.' As acknowledged in paragraph 1.27, the County Council agrees that there will always be areas of ambiguity. For example, a development generating 200 pupil places would need to provide integral education infrastructure to support the growth directly from the site. However, this development may also need to support wider growth in the area and would also need a wider 'Levy' income to support that growth, to make it sustainable.

Local Plans should be used to identify where 'integral' infrastructure is going to be needed for a site. The County Council would recommend that section 106 agreements are retained for all strategic sites requiring integral infrastructure so that their impacts and costs can be identified at that time. Where strategic sites are unable to provide specific land areas

required for infrastructure, then that land and its associated acquisition costs could also be identified at the Local Plan stage and fed into a Levy rate.

In terms of highway works, the County Council would agree that 'integral' should be all on-site infrastructure, or that it is required in the immediate vicinity of the site to enable the development to be acceptable in planning terms. The principle of individuality is key for highway infrastructure; this would typically be set within the findings of a Transport Assessment showing where the impact of that specific development needs to be addressed in the area around the development. It is agreed, by the County Council as the highway authority, that 'Levy-funded infrastructure' should be off-site infrastructure to which the development is required to make a contribution to offset its impact on the wider transport network as part of a wider impact from cumulative local development.

The County Council would therefore support a combined approach where frameworks are established which can feed into policy and nationally set lists. There could also be an element of local considerations to account for the different infrastructure needs across the country.

Question 4: Do you agree that local authorities should have the flexibility to use some of their Levy funding for non-infrastructure items such as service provision? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

The County Council agrees that local authorities should have the flexibility to use some of their Levy funding for non-infrastructure items, such as service provision and maintenance, however as mentioned earlier, it is important that the correct balance is met, allowing local authorities to be flexible but ensuring that this does not lead to less Levy being available for infrastructure provision.

Delivery models for the County Council, have evolved over time and in particular post the Covid-19 pandemic. This has meant that services which would have previously been delivered through specific 'bricks and mortar' infrastructure such as care homes, community learning or youth centres, are now often provided through combinations of reduced fixed infrastructure and mobile "outreach" or digital services. In order for these services to grow, to meet the needs of new development, revenue funding is required to provide for increased staff time and service provision. There also remains an initial growth-related cost to Local Authorities in providing these services and therefore amendments to allow for revenue costs to be covered under these proposals are welcomed.

In respect of transportation, this could allow for the pump priming of a bus service or cycle hire scheme that has the long-term potential to create modal shift and become commercially viable in its own right.

Question 5: Should local authorities be expected to prioritise infrastructure and affordable housing needs before using the Levy to pay for non-infrastructure items such as local services? [Yes/No/Unsure]. Should expectations be set through regulations or policy? Please provide a free text response to explain your answer where necessary.

The County Council considers that as each area is unique, priorities should be decided at a local level and in two-tier areas, this should include both district and county council priorities. The legislation should be amended to make input from both levels compulsory. This will enable there to be a full understanding of the infrastructure needs, the housing need and also the service needs across an area at both local and strategic levels.

Question 6: Are there other non-infrastructure items not mentioned in this document that this element of the Levy funds could be spent on? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

The County Council would also recommend that Special Protection Areas, protected habitats, community archaeology, cultural heritage, and the digital and creative industries would also benefit from Levy funds.

Question 7: Do you have a favoured approach for setting the 'infrastructure in-kind' threshold? [high threshold/medium threshold/low threshold/local authority discretion/none of the above]. Please provide a free text response to explain your answer, using case study examples if possible.

The County Council would question how the consultation is defining "large and complex sites". There should be recognition that sites which are not considered to be large can still be complex and benefit from section 106 obligations.

It also considered that any threshold could be problematic in areas unable to deliver sites of significant size due to genuine planning constraints. The high threshold as proposed would not affect a single planning application within the County Council's administrative area. The higher threshold proposed would, in the County Council's opinion, effectively only be relevant to a very small proportion of local planning authorities leaving other areas entirely dependent on a Levy. This would be unworkable for Kent. Any threshold would need to relate to a Local Plan and the sites within it, which are capable of providing in-kind contributions and land necessary for vital infrastructure. A national threshold is incapable of being compatible with local decision-making processes or local site availability.

For example, when dealing with primary education alone, it is likely that a site of 750 dwellings would necessitate the provision of 1FE of school infrastructure. It would be likely that in-kind provision would be needed for a site of that size or even smaller, if existing infrastructure is unable to be expanded in the local area.

A preferred approach would be to use local authority discretion and that it be directly linked to Local Plans. County councils and statutory bodies must also have meaningful influence in the delivery and location of infrastructure.

The County Council would continue to support the retention of section 106 planning obligations for strategic sites to ensure that the highly bespoke infrastructure and service needs which can arise can be accommodated to support new communities as they grow.

The County Council would also support the need for a Levy backstop amount to ensure that best value is secured for the delivery of necessary infrastructure.

It should be noted that under the current system, the County Council is a lot more successful in securing funds through Section 106s. The Infrastructure Funding Statement (IFS) ([Infrastructure Funding Statement 2021-2022 - Kent County Council](#)) shows that the County Council secured over £51 million through Section 106 agreements towards strategic infrastructure but only just over £390,000 through the Community Infrastructure Levy. Therefore, as well as a need to backstop the levy, the County Council also considers that there is a need to ensure that this new method would secure at least the same amount of infrastructure and service provision and value through the Levy as it would currently through Section 106 Agreements.

Question 8: Is there anything else you feel the government should consider in defining the use of s106 within the three routeways, including the role of delivery agreements to secure matters that cannot be secured via a planning condition? Please provide a free text response to explain your answer.

The County Council would recommend that further information is provided on Delivery Agreements because at present the consultation provides insufficient detail for the Authority to understand the proposal, provide a full opinion and understand the full impact that this would have.

The County Council would also recommend that the Government considers the complexities of site delivery, especially brownfield sites which can sometimes be highly constrained.

Furthermore, the necessity for the funding and delivery of strategic scale infrastructure must also be considered and given due attention when considering infrastructure to support new and existing communities.

It should also be noted that legal agreements are a much more secure mechanism for securing matters such as land or money. The consultation appears to support the use of conditions over legal agreements which will weaken the system and allow developers to apply to remove conditions after the development has been granted permission. The County Council would suggest that enforcement powers for breach of conditions should be made stronger ensure that conditions are adhered to, if this process is to go ahead.

Chapter 2: Levy rates and minimum thresholds

Question 9: Do you agree that the Levy should capture value uplift associated with permitted development rights that create new dwellings? [Yes/No/Unsure]. Are there some types of permitted development where no Levy should be charged? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

New dwellings and other development delivered through permitted development will create demand on local infrastructure and services and as such, the Levy should capture the value uplift associated with the development. Permitted development tends to be more speculative

and local and strategic infrastructure will require additional investment to mitigate the cumulative impacts of such development, when it is implemented in an area.

Question 10: Do you have views on the proposal to bring schemes brought forward through permitted development rights within scope of the Levy? Do you have views on an appropriate value threshold for qualifying permitted development? Do you have views on an appropriate Levy rate 'ceiling' for such sites, and how that might be decided?

The County Council considers that the Levy should be paid where there will be a demand on infrastructure and services. The County Council's Developer Contribution Guide <https://letstalk.kent.gov.uk/developer-contributions-guide> sets a minimum threshold of 56sqm of development, above which, a contribution should be sought. This is seen as a reasonable amount by which a development would start to impact on the County Council's infrastructure and services. This would also seem a reasonable threshold for the Levy.

Question 11: Is there is a case for additional offsets from the Levy, beyond those identified in the paragraphs above to facilitate marginal brownfield development coming forward? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary, using case studies if possible.

Whilst it is accepted that brownfield sites can suffer from viability constraints, some will be in prime, high value, central or waterside locations, and would also still require a similar amount of supporting infrastructure and services as other development sites. The County Council would raise the question as to how infrastructure and service mitigation will be secured for sites if they have additional offsets because the demand is still going to be created and this must be appropriately mitigated.

Local Authorities and communities will need to be supported to be able to properly assess or challenge developer instructed site viability appraisals, especially as they could be used to justify a reduction in the amount of Levy paid. Prior to any introduction, the County Council would welcome Government support on viability adjudication for the Planning Inspectorate to provide an independent view and also confidence that communities are receiving the appropriate amount of infrastructure.

The County Council considers that all Local Plans must include review mechanism policies for sites where there are viability issues. If an appropriate policy is not in a Local Plan, national planning policy must require reviews to recapture, where market conditions allow, any lost value through either the proposed "Delivery" or section 106 agreements.

The current system is not robust in this area. This has resulted in planning consent being granted for sites, that are not policy compliant in terms of infrastructure and service provision, with no opportunity to capture any future uplift if the existing Local Plan does not contain a viability review policy.

Question 12: The government wants the Infrastructure Levy to collect more than the existing system, whilst minimising the impact on viability. How strongly do you agree that the following components of Levy design will help achieve these aims?

- Charging the Levy on final sale GDV of a scheme [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]

The County Council would question how the evidence of the final sale GDV will be verified for a scheme and how this verification process will be resourced given it will be a resource intensive exercise.

- The use of different Levy rates and minimum thresholds on different development uses and typologies [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]

The County Council agrees with this. Although there would need to be consultation and agreement on the rates and thresholds to ensure they are appropriate to the local area, and local and strategic infrastructure needs.

- Ability for local authorities to set 'stepped' Levy rates [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]

The County Council disagrees with this, because there is the potential that this could create a surge of smaller developments with developers wishing to take advantage of the lower rates. This would mean that development would not reflect maximum value that could be created by the development and thus create a situation where there would be insufficient funding available for necessary infrastructure and services.

- Separate Levy rates for thresholds for existing floorspace that is subject to change of use, and floorspace that is demolished and replaced [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]

The County Council considers that all development which generates infrastructure and service demands should be subject to the Levy.

In respect of paragraphs 2.37-2.39, the County Council welcomes the proposal that the Levy charging schedule and rates will be subject to consultation. The County Council would request that there is a clear role for county councils, and a requirement for local authorities to meaningfully engage with upper tier authorities in two tier areas ahead of public consultation.

Question 13: Please provide a free text response to explain your answers above where necessary.

It is not clear which "existing system" this consultation is referring to in respect of Question 12. If it is CIL only, then the County Council has significant reservations that the Infrastructure Levy will collect more, as local authorities currently control where the strategic

CIL money is spent and very little is directed to county councils. The proposed consultation still intends to give the majority of the control of the spending to local authorities. Should it do so, there are concerns that the County Council will continue to not receive the level of contributions required to delivery statutory services and infrastructure, as already experienced (and evidenced in response to Question 35) through the CIL. As an absolute minimum, KCC expects the Levy to deliver the equivalent of the s106/CIL system combined.

Charging a Levy on the final sale GDV of a scheme is reliant on robust and honest assessments presumably being supplied by the developer. There would be a corresponding level of additional resources required for Local Authorities to test the accuracy of every development. Local Authorities will need to be suitably resourced to manage this process.

The inclusion of different Levy rates and minimum thresholds on different development uses and typologies would assist in ensuring that at least a minimum level of mitigation is secured.

Chapter 3 – Charging and paying the Levy

Question 14: Do you agree that the process outlined in Table 3 is an effective way of calculating and paying the Levy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

The County Council understands that within the current proposals, county councils will have limited involvement in the calculation of the Levy and therefore wishes to raise the following concerns with the process outlined in Table 3 in order to help the Government achieve their aims and ensure that the maximum amount of the Levy is paid:

- When an application is submitted as an outline application, the County Council would question whether an application in that form will provide the necessary information for an indicative liability calculation to be carried out. It is suggested that this be considered when looking at effective ways of paying the levy.
- The County Council would request that additional resources will need to be provided to local authorities to provide an independent valuation to verify the GDV data.
- The time between the completion of the development, when it is sold or the first occupation is different for every application, especially of the site is complex to deliver. They will therefore need to be clearly defined. The County Council considers that there is a need to provide additional detail around when payment from a developer will be liable.
- The County Council supports the payment of contributions as early as possible to enable infrastructure to be provided as development is built out. However, it does understand that there are concerns that requiring payment at first occupation could render more development unviable. Some developments may require expensive up-front or early “integral” infrastructure, particularly for highways and education, making earlier Levy payments unviable. The County Council would ask that this is taken into consideration.
- Whilst it is understood that the Government considers that loans could be a solution to this, as the levy charge is not known and there could be a considerable delay in the income from the Levy, which could create a number of financial risks for district and county councils. The County Council therefore do not support this solution unless

guarantees are given that councils will not be exposed to increased risks on top of the existing exposure to borrowing debt costs from the changes to supported borrowing. The risks could include that following:

- The Levy income may not come in at the amount set, particularly where the Levy will be paid to the local authorities who determine where receipts are allocated.
 - There is not enough security that the loan payments will be met and by whom, leaving infrastructure providers at great risk and reluctant to take out a loan.
 - There is also a considerable risk to taking out a loan, with either the local authority or infrastructure provider needing to cover the interest costs. It is not clear how these payments are expected to be paid.
 - This would lead to less infrastructure being provided upfront when it is most needed. It would be much simpler if all infrastructure is paid off directly by the Levy.
 - Under the previous supported borrowing regime councils took out loans to fund approved capital infrastructure projects on the understanding that the financing costs (interest and debt repayment) would be covered in future grant settlements. Subsequent changes to the local government funding arrangements meant that the future funding was not secured leaving councils exposed to long term debt costs with inadequate funding. As outlined in our response this proposal to forward fund levy proceeds from borrowing exacerbates this existing exposure from previous borrowing decisions.
 - The authority is already at risk of having additional revenue costs from forward funding developer contributions and any additional risk is unsustainable
- The proposal is for the Levy payment to be developer initiated; it is considered that this is unlikely to deliver timely payments to local authorities for infrastructure.
 - The final adjustment payment is welcomed as it will allow best value from the Levy. However, it creates considerable risk for local authorities and any infrastructure providers that have a proportion of the Levy passed to them. The potential for monies being returned to developers as part of the final adjustment payment will be a significant financial challenge. Local authorities and infrastructure providers need confidence in the ability of the Levy to secure the necessary funding to deliver infrastructure. Timings of the final adjustment payment are also unclear; whether this is planned at 'post-completion or once the development is sold'. The County Council has concerns as to how this would be enforceable, should the development owe additional Levy.
 - The proposal for local authorities to borrow against the Levy lacks considerable detail as to how this will work and how key infrastructure providers such as the County Council will then be able to secure this borrowed money. It should also be clarified as to whether it will simply be district authorities who will be able to borrow against the levy, or whether County Councils will also be required to. It should be noted that many county councils already borrow significant sums through prudential borrowing to meet shortfalls in grant funding and capital receipts. Due to the revenue implications associated with such borrowing, limits need to be set to ensure the Council remains in a viable and sustainable financial position. This proposal will

simply place more pressure on already stretched revenue budgets. The process of securing monies through borrowing is also resource intensive and this resource should be addressed and secured.

- It is the County Council's view that the matter of interest of the proposed borrowing has not been addressed. It is unclear as to how will this interest be paid. Currently it indicates that it will reduce the amount of the Levy payment going on infrastructure, which is not acceptable.
- In Kent, there have been instances where developers have halted their building just before a funding trigger is reached. This has had the effect of the County Council having to accommodate potentially large cohorts of primary, secondary and special education needs children, without any financial means to do so. The County Council questions how the risk of this will be managed.
- The County Council would also disagree with the focus of the process on the developer's cash flow as infrastructure must be provided to support a development. If the necessary infrastructure cannot be viably funded and delivered, then the development should not go ahead. The financial pressures of local authorities, including county councils, must also be recognised.

Question 15: Is there an alternative payment mechanism that would be more suitable for the Infrastructure Levy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

The County Council would suggest that, as a minimum, the Levy should be paid 50% on commencement of the development or each phase; and the remaining 50% at 25% occupation of the development or phase.

Additional Levy could be captured once the development is completed but there are concerns that this would never materialise or be resource intensive to enforce. The County Council is concerned that many developments would never entirely "complete" to avoid payment of the GDV gains. In part, this could be addressed by relating triggers to completed phases of development.

There may be alternatives to categorise infrastructure depending on local demand and urgency of mitigation; with Category A infrastructure largely captured through an earlier paid Main Levy (Education, Highways, Environment, Open Space and Play, Water and Energy); and Category B Infrastructure (Affordable Housing, Waste, Culture & Neighbourhood improvements) being largely captured through later payments and uplift.

The County Council would however question the categories given to some of the infrastructure such as waste, which is considered to be fundamental infrastructure to support good growth. The Council would therefore ask that this is reconsidered.

Question 16: Do you agree with the proposed application of a land charge at commencement of development and removal of a local land charge once the provisional Levy payment is made? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary

The County Council agrees with this. However, it notes that challenges may be faced in the final adjustment payment where developers are no longer trading. The County Council questions how any final adjustment payment would be enforced and how this will be resourced, so that final adjustments can be provided to the Local Authorities and appropriately distributed to key infrastructure providers.

Question 17: Will removal of the local land charge at the point the provisional Levy liability is paid prevent avoidance of Infrastructure Levy payments? [Strongly Agree/Agree/Neutral/Disagree/ Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

The County Council disagrees and questions what the penalty is for not paying the Levy. Once a development is completed and sold, many developers may not feel obliged to pay the Levy. Within s106 agreements, the ability to include negative clauses preventing further occupations provides a strong incentive to pay. Equivalent mechanisms need to be built into the Levy.

New homeowners are at risk of inheriting a land charge liability. Similar instances have occurred previously where an existing Public Right of Way (PRoW) has been left with new homeowners to resolve a land charge when the PRoW diversion should have been completed as part of a development.

The County Council recommends that incentives could be explored to prevent the avoidance of Levy payments.

Question 18: To what extent do you agree that a local authority should be able to require that payment of the Levy (or a proportion of the Levy liability) is made prior to site completion? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]. Please explain your answer.

The County Council strongly agrees with this, as it will be essential to ensure that infrastructure mitigation is provided at the point of need. There must be a balance between securing best value and having necessary funding secured for the delivery of infrastructure in a timely manner.

Where off-site infrastructure requires funding and completion ahead of development, then funding should be made available, for example, works to increase school places before a development is sold and occupied or junction capacity improvements ahead of occupation. This is especially true if the development is significant in size but not such that the impact on the off-site infrastructure is specific to that development alone i.e. it is a large proportion of the cumulative development impact and therefore triggers a tipping point that requires Levy-funded infrastructure delivery.

Question 19: Are there circumstances when a local authority should be able to require an early payment of the Levy or a proportion of the Levy? Please provide a free text response to explain your where necessary.

Paragraph 3.15 states *'the provisional Levy liability will be paid prior to a scheme or phase of a scheme being completed. It is envisioned that this will occur at the discretion of the developer.'*

The Levy should not be paid on completion of development, as this will increase the risk of non-payment. The County Council also strongly disagrees that it should be at the discretion of the developer; it should be based on the need of the development.

For education, highways, waste and water management/treatment, there will be circumstances that require Levy funded off-site mitigation to be in place at earlier stages. This may be to prevent a highway safety matter, environmental damage or ensure that there is suitable local education or waste management provision. Any Levy system must be able to be suitably flexible to adapt to the changing levels of demand and availability of essential infrastructure. Later payments would be hugely damaging and potentially unsafe for communities already suffering from infrastructure deficits.

Question 20: Do you agree that the proposed role for valuations of GDV is proportionate and necessary in the context of creating a Levy that is responsive to market conditions [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

The County Council agrees but would note that Local Authorities must be properly resourced to secure their own independent valuation to ensure appropriate verification processes are carried out. Furthermore, there must be necessary resource and mechanisms to enforce the Levy. Both will require specialist skills and expertise to ensure that the Levy is effective in securing necessary funding for infrastructure to support sustainable development.

Chapter 4 – Delivering infrastructure

Question 21: To what extent do you agree that the borrowing against Infrastructure Levy proceeds will be sufficient to ensure the timely delivery of infrastructure? [Strongly Agree/Agree/Neutral/ Disagree/Strongly Disagree/Unsure]. Please provide a free text response to explain your answer where necessary.

The County Council is supportive of the priority for the planning and timely delivery of infrastructure. The County Council is also supportive of a strategic approach to how infrastructure is planned for and funded and would support closer working between districts and county councils (as key infrastructure providers). The County Council is pleased to see the recognition of the difficulties in planning for infrastructure for large, unallocated sites.

The statement “delivered ahead of when the need for it becomes too acute” is noted as an infrastructure first approach and is advocated by the County Council because it is necessary to ensure communities are well supported, sustainable and resilient. Infrastructure first is

necessary to avoid issues with new developments. For example, in Kent, walking and cycling routes to a new primary school have not been provided in time by the developer. The County Council had to fund improvements to routes that the developer did not provide. New residents were rightly requesting the routes which had been used by developers as part of the selling point of the dwellings but had not been implemented.

As currently drafted, the Local Planning Authorities will be the receiving authorities. In two-tier authorities, it is the county councils who bear the cost and risk of delivering large infrastructure projects such as schools, roads and waste disposal facilities. This raises a question whether county councils will be able to borrow against a fund for which they have no guarantee of receiving the Levy for. Taking on financial risks in an already difficult financial environment, places county councils in a difficult situation.

Within section 106 agreements, the County Council is declining to forward fund the provision of infrastructure unless appropriate surety is provided, and the cost of borrowing is met by the developer through a legal agreement. No such provisions are included in the Infrastructure Levy proposals. County councils should not be required to take on the burden of risk to forward fund infrastructure required to support new developments.

Paragraph 4.7 states 'integral' infrastructure will be delivered by developers, with Delivery Agreements used to specify timing of delivery in the 'core Levy routeway'. Whilst the Department of Education encourages direct delivery of schools by developers and the County Council has, on occasion, permitted this, it has strong reservations about this proposal. The provision of school infrastructure is a specialist build, and not an add-on to housing delivery. As the Statutory Commissioner of Education places, the County Council is required to provide places in a timely manner. Direct delivery of school infrastructure will only be considered on a case-by-case basis to ensure that all necessary warranties, build specification and technical expertise etc. are provided.

The approach of 'Infrastructure First' being delivered by Local Authorities carrying the risk of borrowing is strongly rejected. Upper tier authorities (as drafted) carry the highest cost of infrastructure risks with the least level of control or influence over Levy rates and receipts.

The County Council would also raise the continued concerns with the risk of borrowing, as local authority and county council budgets are already stretched. Therefore, it should be questioned whether the borrowing facilities offered will be utilised given the interest payable and the associated risks. The County Council also requests further details on how the passing of funds from local authorities to infrastructure providers will be facilitated. The County Council would strongly recommend consideration of how this approach will work for two-tier areas, as this consultation appears to have not considered this structure. This is very concerning as this structure is in existence across the majority of the country.

The County Council also notes that recent rapid inflation means that the delivery of infrastructure is costing more than originally forecasted. The County Council would raise a question as to where the risk of this sits in this scenario.

Question 22: To what extent do you agree that the government should look to go further, and enable specified upfront payments for items of infrastructure to be a condition for the granting of planning permission? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

The County Council considers where there is an infrastructure need, this must be appropriately planned for, funded and delivered in a timely manner. The County Council would therefore agree with the statement in this question. However, the County Council would raise reservations as to how this will be afforded on large strategic sites, where upfront infrastructure costs are significant to ensure the development is sustainable.

Question 23: Are there other mechanisms for ensuring infrastructure is delivered in a timely fashion that the government should consider for the new Infrastructure Levy? [Yes/No/Unsure] Please provide free text response to explain your answer where necessary.

The County Council would urge more consideration is given to the role of county councils, given their role as a key infrastructure and service provider.

There should be consideration for a rolling infrastructure fund (RIF) for upper tier or unitary authorities to enable early provision of infrastructure. Upon payment of the Levy, this is then paid back to a RIF for further investment.

The County Council would also recommend that there must be clear guidance and resources provided to Local Authorities to ensure the effective preparation and implementation of Infrastructure Delivery Strategies.

Question 24: To what extent do you agree that the strategic spending plan included in the Infrastructure Delivery Strategy will provide transparency and certainty on how the Levy will be spent? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree] Please provide a free text response to explain your answer where necessary.

The County Council strongly disagrees with the statement in this question.

The County Council has little confidence that the strategic spending plan will provide certainty of spend. Instead of planned spend according to priorities established within the existing Infrastructure Delivery Plan (IDP) system, experience of CIL is that Local Planning Authorities use it as their own fund, with Elected Members choosing which projects to apply funds to. County Councils across England have received a small percentage of what has been required to mitigate the needs of new development. The bidding systems currently in operation across some CIL authorities within Kent are further evidence that this type of approach does not secure necessary funding for infrastructure with less than 7% of the total CIL income for Kent being allocated towards strategic Infrastructure.

In addition, county councils are required to provide extensive information to ensure compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as

amended). Receiving authorities in two-tier authorities (i.e. borough, district and city councils) are able to receive the CIL directly and not have to provide the same justification.

There is also increasing evidence that the CIL is not providing sufficient levels of funding to cover strategic infrastructure at the right time. This raises a concern as under the new Levy system, the protection of the neighbourhood share and the addition of affordable housing being covered by the Levy, will mean that less of the Levy will be available for strategic infrastructure.

It is important to note that any Infrastructure Levy is only workable where the accountable Planning Authority is also the main provider of infrastructure such as unitaries or where upper tier authorities have devolved powers that include ownership and accountability for an overarching Infrastructure Delivery Strategy funded and influenced by individual Local Plans. There will otherwise always be a disconnect between planning and delivery of infrastructure.

In respect of transparency, there is a need for all parties to be transparent. This includes local authorities, the County Council and developers to ensure that development is brought forward in a sustainable and viable manner.

The County Council also notes that the Infrastructure Delivery Statement will be subject to an examination. The County Council notes this will be resource intensive and time consuming to complete and would question the impact of the delay that this will have on the delivery of necessary infrastructure. It is suggested that the right balance needs to be met between being accountable and also being timely.

The County Council considers that engagement between the County Council and local authorities will be essential to ensure funding towards county council services are secured through the Infrastructure Delivery Strategy. It is also important to ensure that there is a clear link between the priorities laid out in the Infrastructure Delivery Strategy and what is actually provided on the ground.

Question 25: In the context of a streamlined document, what information do you consider is required for a local authority to identify infrastructure needs?

In two-tier areas, Local Planning Authorities must be required to work in conjunction with county councils (as statutory infrastructure and service providers) to draw up and prioritise requirements within the Infrastructure Delivery Strategy. Evidence of this engagement must also be demonstratable to prove that due consideration has been given to the requirement for county council infrastructure and services.

In particular, the timings of infrastructure requirements are critical as well as understanding the lead-in times for infrastructure. This is particularly important for infrastructure which may take time to properly plan for and deliver sustainably.

The County Council would request a clear role in the Infrastructure Delivery Strategy preparation process as there is expertise within county councils which could be of considerable benefit. For example, the County Council produces an Education Commissioning Plan for all areas of Kent that outlines current provision as well as future forecasts. The Commissioning Plan, however, is a snapshot and cannot provide the

expertise and knowledge of the current provisioning status. That is the role of the Area Education Officers (the County Council's Education provision planners), who should be involved in the drafting of the Infrastructure Delivery Strategies.

Local Authorities must be required to liaise with county councils and other infrastructure providers, to ensure that the Delivery Strategy is fit for purpose and takes account of cross boundary issues in which the County Council may be able to provide considerable advice given its strategic role.

The Strategy must be flexible enough to adapt to prevailing market conditions, both for the developer and to service providers. The County Council requests confirmation on the time period to which an Infrastructure Delivery Strategy will be subject to, after which it must be reviewed, and whether such a review requires the input of county councils.

Question 26: Do you agree that views of the local community should be integrated into the drafting of an Infrastructure Delivery Strategy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

The County Council agrees that communities must be given clear opportunity to engage in drafting. However, it is vital that key infrastructure and service providers, including the county councils, are also engaged as they will have a better understanding of the needs of the statutory functions that they are responsible for. This is also one of the keyways in which county councils can be involved in the prioritisation and influencing of infrastructure provision across the country.

Naturally, local communities wish to see their areas benefit as much as possible. However, county council service provision is set according to individual service strategies and evidence of how those services and infrastructure currently function. This may involve strategic, cross boundary, provision of a facility or a service, rather than delivery within a local community, which may then be at odds with local expectations.

Community engagement needs to be carefully managed so that there are realistic expectations around where new infrastructure can be provided and at what cost.

Question 27: Do you agree that a spending plan in the Infrastructure Delivery Strategy (IDS) should include:

- Identification of general 'integral' infrastructure requirements?
- Identification of infrastructure/types of infrastructure that are to be funded by the Levy?
- Prioritisation of infrastructure and how the Levy will be spent?
- Approach to affordable housing including right to require proportion and tenure mix?
- Approach to any discretionary elements for the neighbourhood share?
- Proportion for administration?
- The anticipated borrowing that will be required to deliver infrastructure?
- Other – please explain your answer?

- All of the above

The County Council considers that this is a sensible approach. To consider the integral infrastructure and identify what will be funded by the Levy through the IDS and what the priorities are, are all essential requirements. More information as to how affordable housing is approached would be helpful to ensure that it does not dominate all other forms of infrastructure.

In particular, when looking at the potential discretionary elements to the neighbourhood portion, the proportion that is available is up to 25% (where a Neighbourhood Plan is in place). This is considered to be too high, especially as the current CIL income is not sufficient to meet the needs of essential infrastructure in the County. A quarter of the CIL income for an area is set aside for local projects, this should only be the case provided strategic infrastructure is covered. Whilst local community should receive some direct benefit from the Levy, the rate should be lowered and aligned with growth-related community needs, evidenced and confirmed in the IDS to ensure that the contributions are responsibly put towards infrastructure to support resilient and sustainable communities.

Question 28: How can we make sure that infrastructure providers such as county councils can effectively influence the identification of Levy priorities?

- Guidance to local authorities on which infrastructure providers need to be consulted, how to engage and when

The County Council supports this and would ask that including statutory providers in identifying Levy priorities is mandatory.

- Support to county councils on working collaboratively with the local authority as to what can be funded through the Levy.

The County Council supports this.

- Use of other evidence documents when preparing the Infrastructure Delivery Strategy, such as Local Transport Plans and Local Education Strategies

The County Council supports this.

Guidance to local authorities on prioritisation of funding

The County Council supports this.

- Implementation of statutory timescales for infrastructure providers to respond to local authority requests

The County Council supports this, providing the timescales are reasonably set.

- Other – please explain your answer

Where engagement has not been sufficient, the County Council considers there should be means for infrastructure and service providers to raise a concern to an independent body.

The County Council considers that lower tier authorities must be required, by legislation, to work collaboratively with county councils to establish Levy priorities.

The County Council would also request requirements for lower tier authorities to use other evidence to prepare the Infrastructure Delivery Strategy, including Local Transport Plans, Local Education Strategies and County Developer Contributions Guides.

Question 29: To what extent do you agree that it is possible to identify infrastructure requirements at the local plan stage? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

The County Council considers that an overall strategic infrastructure requirement can be identified at Local Plan stage and set out in an Infrastructure Delivery Plan. However, this needs to be reviewed on a regular basis to ensure that the priorities keep pace with the delivery of housing and other socio-demographic changes. The timing for production of Local Plans is proposed to be reduced so there will need to be a phase of initial investment and available time to establish the baseline evidence for each Local Plan.

The County Council seeks to proactively engage with local authorities at all stages of the Local Plan to ensure that infrastructure requirements are embedded into policies. This also ensures that all stakeholders are aware of what is required to support residential growth at the earliest stages and throughout the progress of the Local Plan.

The County Council would also urge the importance for strategic infrastructure to be identified at all Local Plan stages given the scale, cost and complexity around its delivery.

The County Council would also recommend considering when infrastructure is needed to react to unallocated development when it comes forward, especially when this speculative development is on a larger scale. This can alter cumulative infrastructure requirements for an area which must be accounted for. One solution to this would be to treat the IDS as a live document that can be updated with the agreement of the local authority and infrastructure providers. There needs to be flexibility within the IDS and implementation to reflect market changes and changes in circumstances such as a site not coming forward.

Chapter 5 – Delivering affordable housing

Question 30: To what extent do you agree that the 'right to require' will reduce the risk that affordable housing contributions are negotiated down on viability grounds? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

The County Council recognises the challenges between balancing infrastructure provision and affordable housing. The County Council considers that it should be carefully considered to ensure that affordable housing does not become the prominent infrastructure provision to the detriment of other strategic infrastructure.

The County Council would also recommend consideration of whether the redirection of Levy towards other infrastructure would adequately support strategic infrastructure.

Question 31: To what extent do you agree that local authorities should charge a highly discounted/zero-rated Infrastructure Levy rate on high percentage/100% affordable housing schemes? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary

Affordable housing still creates a demand on infrastructure and service provision, which must be funded. The County Council questions how infrastructure and services needed to support these developments be secured without adequate funding. Conversely, without discounts being offered, it may make the delivery of affordable housing unviable. This therefore needs to be carefully considered.

Whilst affordable housing providers may argue that affordable housing residents do not increase demands upon services as they are already resident in the area, there is no evidence that backfill of previous accommodation does not occur. It is the view of the County Council that affordable housing does result in an increased population. There is also anecdotal evidence that occupation levels within affordable housing dwellings is higher due to the requirement for full occupancy and due to the overwhelming need. This increased population/growth places requirements on county councils' infrastructure and services such as education, highways and waste disposal which needs to be mitigated.

Should a zero or discounted rate be applied for affordable housing, then alternative funding mechanisms need to be put in place to meet the cost of necessary infrastructure.

The County Council welcomes that integral infrastructure will still be required to be delivered by the developer, however, what this constitutes requires clear definition.

Question 32: How much infrastructure is normally delivered alongside registered provider-led schemes in the existing system? Please provide examples.

The County Council does not provide discounts on developer contributions for affordable housing schemes. Where viability is raised, this is generally dealt with on a case-by-case basis with the district planning authority where priorities for infrastructure are established. If affordable housing is accepted as infrastructure, this could result in the provision of affordable housing or it could be education or highways, depending on the priorities for each area and local authority.

It is also considered that the proposed Infrastructure Delivery Strategies could help with understanding priorities if drafted and understood correctly, and by working in collaboration with county councils.

Question 33: As per paragraph 5.13, do you think that an upper limit of where the 'right to require' could be set should be introduced by the government? [Yes/No/unsure] Alternatively, do you think where the 'right to require' is set should be left to the discretion of the local authority? [Yes/No/unsure]. Please provide a free text response to explain your answer where necessary.

The County Council would refer to its District / Borough Authorities to provide a response to this question due to the County Council's minimal role in respect of affordable housing.

Chapter 6 – Other areas

Question 34: Are you content that the Neighbourhood Share should be retained under the Infrastructure Levy? [Yes/No/Unsure?]

It is the County Council's view that the Neighbourhood Share should be retained, but reduced under the Infrastructure Levy. It is also suggested that the neighbourhood portion of the share should be spent where the need is demonstrated. This would ensure that it is planned and would make specific improvements to the area. Further consideration should be given to county councils' share in a two-tier authority. County councils have a statutory responsibility to provide and deliver infrastructure and services, and therefore require the necessary funding to support and facilitate this delivery.

The consultation demonstrates a lack of strategic consideration around infrastructure delivery, instead focusing on the delivery of local infrastructure. Strategic infrastructure must be delivered alongside local infrastructure to fully support development. Currently it is dealt with separately, which does not provide a holistic approach.

The County Council recommends that as part of the test and learn approach there could be a consideration of a county council share being provided in two-tier areas. This would mean that, as with the neighbourhood share, the county councils would receive a percentage of the CIL income for the area. This would ensure that neighbourhood shares are not disproportionate compared with the level of funding for county councils who deliver local and strategic infrastructure. It would then be possible to compare those county councils which have a share of the Levy and those that don't and therefore where county councils can benefit the community the most.

Question 35: In calculating the value of the Neighbourhood Share, do you think this should A) reflect the amount secured under CIL in parished areas (noting this will be a smaller proportion of total revenues), B) be higher than this equivalent amount C) be lower than this equivalent amount D) Other (please specify) or E) unsure. Please provide a free text response to explain your answer where necessary

The County Council believes the Neighbourhood portion should be lower than the rate currently set, especially considering other infrastructure and service providers who require funding to deliver local and strategic projects. At present, these providers do not get a guaranteed share. Spending of the Levy from the Neighbourhood share should be evidenced to clearly demonstrate improvements to the area.

Whilst it is accepted that neighbourhoods should see some direct benefit from development in the locality, the percentage is too high. An upper level of 5% would be more appropriate.

Looking at the Infrastructure Funding Statements across Kent currently, between 15% - 25% of the CIL income has been given to parish and town councils, consistently, with only 6.31% given to Kent County Council across the five authorities with CIL. This shows that an unfair proportion is awarded to local projects, which exceeds the amount given to strategic projects to support growth. The County Council would ask that this balance is addressed in this new system.

The County Council is aware, through discussions with districts and boroughs across Kent and through looking at their CIL annual reports each year, that some parish and town councils do not own a lot of land or buildings and find it difficult to spend the current CIL portion given to them. There are therefore large amounts of money being retained at the end of the reported year:

For example, for the District of Sevenoaks in Kent, the County Council looked at a small sample of the 27 parish and town councils. The first five that officers looked at revealed the following:

<u>Parish</u>	<u>Amount retained:</u>
Chevening	£57 844
Chiddingstone	£35 000
Sevenoaks	£56 000
Swanley	£24 000
Leigh	£14 517
Total:	£187, 361

This shows that over £187, 000 of the CIL income is unspent. This represents only 5 out of 27 parishes. In addition to this, a number of parish and town councils do not know where to spend their money and they are not required to do any work or provide evidence to justify the spend. This money could be used for identified strategic infrastructure projects.

It is therefore considered important that when looking to draft an Infrastructure Delivery Strategy local authorities should also consider the priorities for the neighbourhood portions and if there are no local infrastructure needs or no identified priorities that the neighbourhood portion is directed towards identified infrastructure priorities, where there is an evidenced need.

The County Council would also strongly propose that as well as a neighbourhood share, there should be consideration of a share which goes straight to county councils for local and strategic infrastructure and service provision. This share would need to be flexible to be able to meet the differing demands of districts in terms of infrastructure provision. The County Council would be keen to discuss this proposal further.

Question 36: The government is interested in views on arrangements for spending the neighbourhood share in unparished areas. What other bodies do you think could be in receipt of a Neighbourhood Share in such areas?

The County Council would suggest that funds are given directly to infrastructure and service providers.

Question 37: Should the administrative portion for the new Levy A) reflect the 5% level which exists under CIL B) be higher than this equivalent amount, C) be lower than this equivalent amount D) Other (please specify) or E) unsure. Please provide a free text response to explain your answer where necessary.

The County Council would refer to it's District/Borough Authorities to provide a response to this question due to their role and understanding in the administration at present. The County Council would, however, state that there is an administration cost to providing strategic infrastructure and services and therefore a percentage should also be aside for the administration costs incurred by the respective providers.

Question 38: Applicants can apply for mandatory or discretionary relief for social housing under CIL. Question 31 seeks views on exempting affordable housing from the Levy. This question seeks views on retaining other countryside exemptions. How strongly do you agree the following should be retained:

- residential annexes and extensions; [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree]

Agree

- self-build housing; [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree]

Agree

- If you strongly agree/agree, should there be any further criteria that are applied to these exemptions, for example in relation to the size of the development?

The County Council considers that where development will generate a demand on infrastructure, then then the development should be liable for Levy contributions.

Question 39: Do you consider there are other circumstances where relief from the Levy or reduced Levy rates should apply, such as for the provision of sustainable technologies? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

The County Council considers that sustainable technologies should be encouraged alongside the delivery of key local and strategic infrastructure to deliver sustainable and resilient communities. The County Council would request that "sustainable technologies" is clearly defined to understand what this might include to understand the context in relation to what is already required by regulations and standards, both nationally and locally.

Question 40: To what extent do you agree with our proposed approach to small sites? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

The County Council agrees with the approach to small sites. However, where infrastructure and service demand is created, Levy contributions should always be sought. Multiple small sites can have a cumulative impact on infrastructure demand. A reduced rate could be explored but a contribution should still be sought to ensure that necessary infrastructure can be funded and delivered.

Question 41: What risks will this approach pose, if any, to SME housebuilders, or to the delivery of affordable housing in rural areas? Please provide a free text response using case study examples where appropriate.

The County Council has no comments on this question.

Question 42: Are there any other forms of infrastructure that should be exempted from the Levy through regulations?

The County Council considers that where development will generate a demand on infrastructure and services, then the development should be liable for Levy contributions and exemptions should not be allowed.

Question 43: Do you agree that these enforcement mechanisms will be sufficient to secure Levy payments? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

The County Council disagrees with the statement in this question.

If the Levy is payable on completion of a development, then stop notices will be ineffective as the developer has nothing to lose by not paying. It may be possible that Levy is valued on the value secured at 50% occupations and paid in full at that time with a final adjustment made at 100% occupations.

The County Council also considers that Local Authorities must be provided with adequate resource and training to be able to effectively ensure enforcement.

Chapter 7 – Introducing the Levy

Question 44: Do you agree that the proposed ‘test and learn’ approach to transitioning to the new Infrastructure Levy will help deliver an effective system? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary

The County Council agrees with this approach as it is considered necessary to prevent issues and understand what will occur when the Levy is rolled out to all authorities before it becomes nationwide and mandatory. It is also important to be able to understand all the issues and mitigate against any potential loss of income in the long term. However, a long timescale is proposed and the County Council would raise a question whether this will result in uncertainties around development, especially larger scale strategic development which will be delivered over a longer time scale.

The County Council strongly urges the Government to provide county councils with a clear role in the test and learn approach and would ask that a set proportion of the Levy is directed towards county councils. Kent County Council are happy to be involved in this process. It would then be possible to directly compare the amount of strategic infrastructure that is given to infrastructure providers (upper tier authorities) depending on whether a set amount is set aside or not.

Feedback must be presented on a regular basis as to how the test and learn approach is fairing to ensure all those involved in development are aware of how the Levy is progressing.

Currently, the implementation of the CIL and the governance of CIL has resulted in a patchwork of arrangements across the 12 Districts and Boroughs across Kent. There are several different arrangements for collecting and spending under the existing regime and it takes time for the County Council to understand each procedure, liaise with each authority and also to apply or bid for the CIL funds. Which is frequently unsuccessful. It is therefore suggested that the test and learn approach should ensure a much simpler approach, where the governance is more consistent across each authority. The County Council would request that there be a much more consistent approach.

Question 45: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

The County Council considers that providers of infrastructure and services must ensure that they carry out their own Equalities Impact Assessment when delivering projects and spending the Levy.

Environmental Outcomes Report: a new approach to environmental assessment

Kent County Council Response

9 June 2023

Guiding principles for the development of outcomes

Question 1: Do you support the principles that will guide the development of outcomes? [Yes/No].

The County Council is generally supportive of the principles that guide the development of outcomes, as these are based on the Environment Improvement Plan (EIP) Goals.

However, there are concerns that the historic environment and population health are not fully considered.

The County Council requests that Environmental Outcomes Reports fully consider the impact of development on population health to ensure healthy and thriving existing and new communities.

In respect of the historic environment, it is the view of the County Council that the current EIP does not appropriately cover the historic environment. The only relevant goal is concerned with heritage within protected landscapes. This is too narrow a focus and risks losing the benefit of the current environmental assessment process for the historic environment. The environment within the UK and particularly England is mostly human created and managed and it is important that the historic dimension of the environment is thoroughly considered in the assessment process. As noted in paragraph 3.4, there are benefits in including assessment of cultural heritage and the historic environment in the environmental assessment process so that significant issues can be considered at an early stage in the design. The new Environmental Outcome Report (EOR) process must specifically include cultural heritage and the historic environment. With reference to paragraph 4.8, it is also important that the historic environment sector is included in the development and testing of the proposed outcomes. The County Council considers that the benefits of considering cultural heritage and the wider historic environment together with other matters in a multidisciplinary way at an early stage in the design process allows significant issues and potential conflicts to be resolved at an early stage and costly delays minimised. Including the historic environment in the EOR process will also help ensure that the mitigation hierarchy is appropriately followed.

The County Council is generally supportive of a simplified and streamlined assessment process that underpins the delivery of clear environmental considerations and provides a 'green thread' that runs through decision making. It is agreed that a link with the Government's Environmental Improvement Plan is a reasonable starting point for a new assessment process. There are, however, obvious challenges to meet the needs of the

identified stakeholders such as communities, decision makers, environmental interests, policy makers and the development industry. Any new process therefore needs to recognise that they have different and often competing needs. Unless the details are right, proportionate, readily understood and properly resourced, there is a serious risk that one complex assessment process will be replaced by another. The success of the new assessment process will be determined by the detail, which the consultation recognises is not currently available. In the absence of the detail, it is difficult to fully comment upon the acceptability of the proposals, although the principles set out in paragraph 4.7 would appear to be reasonable ones. The County Council notes the commitment to further consultation which is welcomed. In developing some of the detail, further consideration should be given to the following:

- Clarity as to which projects and proposals would need to report on the outcomes being developed. It is not clear whether it relates to those that are in the category 1 and some of 2, depending on the outcome of the screening.
- Review of outcomes on a regular basis (see paragraph 4.7). The County Council would require clarification on how regular this will be. Consideration will need to be mindful of systems and impacts of change.
- Will there be further consultation on regime specific outcomes referred to in paragraph 4.10? This would be welcomed.
- Clarification is sought as to whether a project or proposal would have to provide data to show its likely effect/impact on each outcome indicator baseline condition, and then monitor and report on the outcome and any changes at a project level in relation to each. In addition, clarification is sought as to whether they would be reporting via the planning application / decision information or reporting against the EIA information / decision where monitoring arrangements already exist for EIA development.

Demonstrating how outcomes are met

Question 2: Do you support the principles that indicators will have to meet? [Yes/No].

The County Council is supportive on the assumption that the evidence base requires the need for site specific surveying at a project level.

The ability to change indicators in response to evidence gathered from environmental assessment and the active monitoring of outcomes being delivered means that the system, would be heavily reliant on monitoring and reporting and understanding / availability of data. Monitoring resources is likely to be a key challenge to effective delivery.

The County Council also agrees that for the historic environment, it may not always be possible to create a quantitative metric and professional judgement may need to be applied.

Question 3: Are there any other criteria we should consider?

The County Council notes that Carbon is not featured within the list of matters to be considered within paragraph 4.10 and instead, individual regimes are expected to produce regime specific outcomes. Carbon emissions are a key driver of climate change and are increasingly becoming a key consideration in transport and highway schemes, and it is the County Council's view that these should be included.

The County Council would note that once the outcomes are clarified, there must be an opportunity to provide further commentary in respect of the criteria to ensure they cover all the issues.

The County Council considers that it is not clear from the information provided within the consultation, where there will be a need for site specific surveys in respect of biodiversity and ecological matters. There is a need to ensure that data used to assess plans or projects is specific to the site being assessed and not using existing data sets.

The County Council recommends that alongside desk-based evidence, local knowledge and the role of an independent expert must be considered.

The County Council also notes that indicators for the historic environment will be needed and would be happy to work with Government to consider what would be appropriate. The specific cultural heritage indicator in the current EIP is for the condition of scheduled monuments. The County Council would suggest that a wider set of indicators is included in the EOR regulations and guidance, and engagement would be welcome to discuss what would be practical and measurable.

The County Council would also recommend that cultural heritage should continue to be included in EORs as many of the proposed topics within EORs are also covered in other regimes. The EIA / EOR process allows evidence from different aspects of the environment to be considered in a multidisciplinary way so that areas of conflict can be resolved and significant historic environment issues addressed at an early stage in the design process. This also reduces costs and delays for the developer.

Reporting against outcomes

Question 4: Would you welcome proportionate reporting against all outcomes as the default position? [Yes/No].

The County Council considers that support for this proposal will also be dependent upon the level of detail required (outcomes or indicator reporting) and whether there is a prerequisite requirement for developers to report to Local Planning Authorities. The purpose for the data reporting needs to be made clear and a set format and frequency for reporting would be helpful. A proportionate system needs to be established to help meet objectives without creating additional burdens, duplication and inefficiency.

In respect of highways schemes, which can vary significantly in size and scope, the County Council would be concerned that disproportionate reporting would result in cost overrun of smaller schemes and inflate scheme costs for competitive bids and business cases.

The County Council also considers that it is not clear what is meant by 'proportionate'. Under the BS 42020:2013 Biodiversity, Code of Practice for Planning and Development and CIEEM (2017) Guidelines for Ecological Report Writing, reporting should already be proportionate, so the County Council would ask that this differentiation between this proposal and the British Standards is clarified.

The County Council considers there is a need to ensure that the project / plan is being assessed using data relevant to the current site to ensure informed decisions around planning and growth across the country.

Question 5: Would it be effective in reducing bureaucratic process, or could this simply result in more documentation?

There is the potential for the proposal to result in more documentation. Streamlined, standard requirements and reporting for larger projects is likely to result in simplified, clearer documentation. More documentation would, however, be required for smaller projects than at present, adversely impacting scheme programmes and costs. The County Council does, however, consider there is limited clarity offered in this consultation to understand the implementation of the new approach. Therefore, it is difficult to definitively determine whether it will be effective and the County Council would therefore welcome further consultation once the details are decided and would suggest that environmental matters must be addressed on all projects, regardless of size.

Going further for the environment

Question 6: Given the issues set out above, and our desire to consider issues where they are most effectively addressed, how can government ensure that EORs support our efforts to adapt to the effects of climate change across all regimes?

The County Council considers that there must be consultation with expert independent groups, who have practical experience of dealing with EORs and climate change. This is to allow them to feed into considerations to ensure that EORs fully support efforts to adapt to the effects of climate change across all regimes.

The County Council also notes that addressing public behaviours around climate change, is also fundamental to addressing issues. For example, further encouragement for a modal shift in transport through effective opportunities to change travel behaviours. There needs to be continued consideration of how to address public thinking on all environmental issues. Skills and expertise must be expanded within Local Authorities and developers alike to help address this.

The County Council notes that there is currently a lack of reliable data regarding the impact of climate change on the historic environment – EORs may provide an opportunity to gather this data more centrally.

What an Environmental Outcomes Report will cover

Question 7: Do you consider there is value in clarifying requirements regarding the consideration of reasonable alternatives? [Yes/No].

The County Council considers that there is value in clarifying requirements regarding the consideration of reasonable alternatives, including a more concentrated focus on the mitigation hierarchy. Guidance on this would be welcomed to ensure expectations are clear. The County Council considers that there is also a need to ensure that the impacts on ecology are considered as part of the site assessment process.

Question 8: How can the government ensure that consideration of reasonable alternatives is built into the early design stages of the development and design process?

The County Council would recommend that the requirement to consider reasonable alternatives should be clearly detailed, and the impacts of not meeting the requirement addressed. The County Council recommends that there should be a requirement for the applicant to demonstrate through an application, that alternatives have had the necessary consideration and there is a clear justification for why the site was selected. This should be a more prominent part of the environmental report. Regulations should also consider whether officers are able to recommend refusal if an applicant has not given early and effective consideration of reasonable alternatives.

The County Council would also recommend engagement with other organisations such as the Royal Institute of British Architects (RIBA), Royal Institution of Chartered Surveyors (RICS), Royal Town Planning Institute (RTPI) and universities, to embed environmental considerations within the site selection and design phases. The mitigation hierarchy must be a more prominent and necessary consideration through the EOR process.

When an Environmental Outcomes Report is required

Question 9: Do you support the principle of strengthening the screening process to minimise ambiguity?

The County Council supports the principle of strengthening the screening process to minimise ambiguity. However, the category 2 consents screening process may still have scope for ambiguity, depending on the detail of how borderline cases should be considered and the criteria to be applied. Further information and consultation would be welcomed to clarify this.

Question 10: Do you consider that proximity or impact pathway to a sensitive area or a protected species could be a better starting point for determining whether a plan or project might require an environmental assessment under Category 2 than simple size thresholds? [Yes/No].

The County Council considers that this proposal could require greater technical biodiversity / ecology or other technical advice input at an earlier stage in the process i.e. when screening a project. Sufficient resources may not be available to Local Planning Authorities to provide this, particularly in light of new burdens regarding Biodiversity Net Gain and other responsibilities arising from the Environment Act.

In addition, it would depend on the level of detail. For example, would proximity alone be a criterion, or would it also need the defined pathway and if the scale of the development is a secondary consideration how could that work in combination? A very small development may be caught within the screening because of proximity and pathway – the approach must remain proportionate.

The County Council does consider that there are some benefits to a simple size threshold as the larger the site, the greater the likelihood of encountering previously unrecorded significant heritage assets. Often it is only through the assessment process for such schemes that such assets are identified and the earlier in the design process this occurs, the lower the requirement for expensive redesigns. In addition, it is considered that there should also be specific triggers for the historic environment for Category 2.

The response to this question is also considered as part of question 11.

Question 11: If yes, how could this work in practice? What sort of initial information would be required?

As Local Highway Authority, the County Council considers that in relation to highway schemes, the proposals, as outlined, would result in an increase in work at the early stages of the project to determine whether screening is required.

It should be noted that, for some sites, it is not always known if a particular protected species is present within the vicinity of the site before more detailed surveys have been undertaken. The proposals as suggested must ensure that relevant and necessary surveys are undertaken to determine proximity to protected species. Consideration would also need to be given to whether a screening for an EOR report would need to be revisited if boundaries of a protected area change, or unknown protected species are found within the vicinity of the site after an initial screening decision has been made.

The County Council also considers that this will be very difficult to implement in practice. Simplistic criteria such as distance or crude zones of influence are unlikely to be fully effective as each ecological feature is likely to have different tolerances at different distances, and impact pathways may be difficult to identify without taking a detailed look at each application.

The County Council anticipates that there would have to be a detailed screening stage to properly consider possible impacts associated with proximity and impact pathways. A measure of baseline survey data may also be required to identify possible receptors as in most cases there is a lack of sufficient existing / accessible data. The suggested approach in Question 10 seems to be targeted at the protection of existing designated sites or known locations of protected species. In most cases, it is the County Council's view that there is likely to be a lack of comprehensive data to facilitate this approach. Taking an approach based on set zones of influence is likely to oversimplify the process of an environmental assessment and could result in significant negative effects for biodiversity and is therefore not supported by the County Council.

The County Council would also draw attention to the need for a detailed assessment of sites through the Local Plan process, covering all necessary environmental measures.

The County Council would also note that simple size thresholds are useful as there is an increased likelihood of encountering unexpected significant heritage assets in large sites. A trigger for heritage assets / historic environment is also needed.

As the outcome work progresses, the County Council would welcome consideration of the following:

- What would the defined pathways be?
- What would the proximity be, and would it vary depending on what the sensitive receptor is?
- What data sources would be used for communities/species and is it currently available to those that would need to use it?
- Detail on how to screen against the new criteria and the level of detail required in order to make the decision.

Strengthening mitigation

Question 12: How can we address issues of ineffective mitigation?

Currently, mitigation approaches are put forward and accepted, but the monitoring of the success or failure of these approaches is currently lacking, as is a feedback loop to other similar cases. The County Council would like to see the EOR process tackling this issue. Creating a centralised searchable database and / or repository that records baseline data for a site, mitigation proposed, and then the outcomes and lessons learnt would be beneficial. The database would need to be carefully set up so data can be entered at the point of a planning application / condition discharge and then datasets analysed at a national / local / project level so trends can be identified. It would allow evidence to be gathered to enable changes to be made to current mitigation approaches and support Local Planning Authority challenges to mitigation suggested.

The County Council also considers that undertaking rigorous scientific study for a variety of different techniques through universities would also be of benefit. Taking forward what works and improving on what does not work should feed into future applications / methodology.

In addition to collecting good data and funding research into effective mitigation techniques, there is a need for Local Planning Authorities to be able to carry out enforcement action when mitigation is not being implemented properly.

The County Council would also recommend consideration of enforcement where mitigation is not implemented appropriately, reflecting the size of development and impact across all criteria.

The County Council would also recommend that mapping data is compiled of sites and areas which have been preserved in situ, with a form of protection for these areas introduced to ensure harm is avoided from future developments.

The County Council also considers that in addressing this issue, careful consideration will need to be given to the impact upon Local Planning Authority resources.

Question 13: Is an adaptive approach a good way of dealing with uncertainty? [Yes/No].

The County Council is supportive in part, however, there is a need for Local Planning Authorities to have the ability to secure and review necessary monitoring data and have the capability to take action where monitoring shows remedial action is necessary. Proposed mitigation measures must be clearly set out as part of planning applications, and monitoring should be practicable to ensure it can be enforced as necessary.

The County Council understands that adaptive management may help to manage uncertainty in the assessment of effects on the environment. There is, however, a need to provide clarity on the level of uncertainty which may be allowed as this may influence the level of monitoring required.

Question 14: Could it work in practice? What would be the challenges in implementation?

The County Council considers that should an adaptive approach be adopted, projects and schemes with defined budgets would be required to allocate funding to potential unknown levels of mitigation, inflating their costs. There is uncertainty as to how long additional funding would need to remain available and what happens to the funding if it is not utilised, or conversely, if insufficient funding is available.

The management and resourcing of monitoring will be key for the effective implementation of this approach to ensure outcomes can be effectively reviewed and action taken as may be required. Monitoring proposed and expected mitigation is often not carried out at present as it is considered a discretionary function, therefore expertise and resources must be delivered to ensure the effectiveness of the proposal.

Effective resourcing would appear to be a key challenge to address. If a chargeable monitoring regime similar to that for minerals sites is being suggested for EIA planning permissions then the connections back to the information in the original environmental assessment and the original mitigations would be needed. This would be along with a

mechanism to formally record, track and monitor adaptations to the mitigation. Operator reporting requirements would need to be routed via the Local Planning Authority or regulator to those interested in the data on the mitigations and outcomes. It is noted that the statutory chargeable monitoring costs for some types of county matter development do not cover the costs of the monitoring and that this fee was not identified for an increase as part of the recent Performance and Fee Consultation.

The County Council considers that a key challenge in implementing the adaptive approach would depend on the level of risk to the mitigation that is proposed. A new approach/change in methodology for mitigation may require higher levels of adaptation to enable success but ongoing monitoring will help mitigation evolve successfully.

It must also be clarified as to what happens if the mitigation has not been achieved. It must be understood by the Local Planning Authority and applicants that if mitigation measures do not work, then there is a need to remediate and the responsibility for this must be clear and the guidance must be flexible to allow for this.

The County Council would also urge the need for potential loopholes to be minimised, with a consistent approach applied nationally to ensure the approach is most effective.

The County Council also notes that increased visibility and use of environmental information and data beyond the developer and Local Planning Authority is envisaged. Reporting requirements against decisions or submissions, would mean additional burdens and costs on developers and decision makers, which may be challenging in terms of viability for some sites. As a result, further clarification would be needed regarding the reporting requirements.

In respect of potential new or amended duties for Local Planning Authorities, the lead in times to develop and potential consequential impacts to existing systems / contracts must be a key consideration as a challenge for implementation.

Mainstreaming monitoring

Question 15: Would you support a more formal and robust approach to monitoring?

[Yes/No].

The County Council would support a more formal and robust approach to monitoring, in principle, subject to provision of adequate resources. In developing the details, further clarification should be given to which relevant consents / permissions and which relevant plans would require mitigation monitoring. Clarity is required whether it is the intention for a monitoring requirement that is only for projects that require screening and then require further environmental assessment – for example, the Category 1 and Category 2 screened in accordance with the proposals being consulted on. It is noted that the consultation document does acknowledge that minerals and waste development already cover the requirement to an extent, so clarification as to what further changes might there be for mineral and waste related development would be welcomed.

Question 16: How can the government use monitoring to incentivise better assessment practice?

The County Council considers that there is a need for a database of baseline and post-development monitoring results, which can be interrogated to support better mitigation / compensation measures, and better decision making.

The results of the monitoring of avoidance / mitigation / compensation techniques in previous applications should, through wide analysis of datasets, create freely accessible results that can be used by applicants / their consultants, to feed into future applications. Monitoring should provide a greater level of certainty regarding the potential impacts of a project on environmental receptors, and the effectiveness of any proposed avoidance mitigation / compensations measures.

Where such avoidance / mitigation / compensation measures have been found to be successful, they can be used to set new evidence-based industry standards proposed in applications. If applicants propose a new, untested measure when a proven measure exists, this potentially should be viewed negatively by the decision maker.

The County Council expects there to be clear consequences of not undertaking effective monitoring to a sufficient level to incentivise developers to do it.

The County Council would also question whether an independent national body, made up of experts with practical experience, may be better informed to collate enforceable outcomes from substandard mitigation measures.

Question 17: How can the government best ensure the ongoing costs of monitoring are met?

The County Council considers that ongoing costs must be met by the developer and should include potential monitoring, enforcement and new / amended duties costs to ensure there is necessary Local Planning Authority resource in place.

Question 18: How should the government address issues such as post-decision costs and liabilities?

If bonds, escrows and other systems are being considered for very long-term developments, these mechanisms need to be secured at a very early stage in a development and need to continue to exist over a considerable amount of time, taking into account delays in the lifetime of a project and long-term impacts of change. In developing the details, increased reporting requirements and potential for duplication across different regimes should be considered. Furthermore, the County Council recommends consideration of funding from a penalty payment, or a buffer fund could possibly be explored.

Unlocking data

Question 19: Do you support the principle of environmental data being made publicly available for future use?

The County Council supports the principle of environmental data being made publicly available. Data sharing will be key to inform further development of mitigation measures, understanding and boosting their effectiveness countrywide. Data should be shared using common standards and databases to ensure it can be effectively utilised to deliver real improvements to the environment.

However, this would rely upon digitalisation of planning services and increasing online access. In pursuing this objective, it needs to be recognised that making changes to existing systems is not always straight forward and systems are not uniform. The ability to change and build systems to meet ever increasing requirements needs to be considered along with lead in times. Furthermore, systems are not developed in house and are often developed by others with maintenance, hosting and service arrangements. Procurement rules require consideration of contracts and systems are therefore liable to change, with consequential data migration impacts.

It should be noted that members of CIEEM are already required to share collected biodiversity data with local biological records centres (unless not permitted to do so by a client), and where a protected species licence is required, submission of relevant data is required by the licence. Natural England already makes limited data freely available on MAGIC, and records centres generally charge a small fee to issue a data search report. If more data was freely available, there may be a need for funding to support records centres linking to a central system to enable that process to be implemented. This would, however, boost the resilience of data sharing processes moving forwards.

Question 20: What are the current barriers to sharing data more easily?

Data for scheme monitoring is not widely freely available. It is also the case that where data may have been collected, a lack of a centralised system to identify, store and share data within means that individuals may not be aware of the data.

Collecting data in such a way that it is easily interrogated can provide a range of functions (e.g. population monitoring / effectiveness of mitigation). This could be challenging if not implemented effectively. There will be costs associated with digitising and validating the data and it should be noted, however, that some groups may not want their data publicly accessible (e.g. in relation to badgers).

If it is intended that data be shared and published widely, clear powers and purpose to do so with clarity about what exactly can be shared, what permissions are required, with whom, when and how within regulation and guidance would be helpful. It should also cover how long data can be stored and published for to inform future assessments.

In developing plans to share data more easily, the following should also be considered/clarified:

- Is it proposed that the developer submit the required reporting data in a format to the Local Planning Authority via a digital system ready for sharing, or that they submit a return where the data needs to be extracted and collated to populate required submissions to Government.
- A clear definition of what data is required and what quality expectations it should meet.
- Resource implications, e.g. data collation, quality and error checking stages. Gaps in data.
- Lead in times for system development and testing.

Currently data is in a number of different places (e.g. local biological records centres / Natural England data) and does not appear to be fully utilised for driving improvements in the designing of mitigation / compensation techniques (e.g., Natural England licensing data). If current monitoring data is not analysed, the County Council would question how collecting more data will result in improvements for nature.

Furthermore, appropriate protection policies must be in place to ensure the standards of data remain high quality to better inform development.

It should also be noted that commercial sensitivity can result in pre-application data not being shared resulting in surveys having to be redone if a developer changes.

Question 21: What data would you prioritise for the creation of standards to support environmental assessment?

High quality baseline data should support any environmental assessment, along with evidence-based avoidance, mitigation and compensation measures. The avoidance, mitigation and compensation measures should be chosen following research into their effectiveness, gathered through the monitoring and analysis of previous similar projects / plans.

There is a need for an ability to access data easily and understanding all information is available in one place. For example, local biological records centres should be able to share their data centrally to enable population trends to be more easily visible across the country.

The County Council would also recommend making an applicant legally required to upload data to the Local Record Centre (linking to a central database) when submitting a planning application, and acknowledging that once the data has been submitted, that it is freely available.

Reporting against performance

Question 22: Would you support reporting on the performance of a plan or projects against the achievement of outcomes? [Yes/ No].

The County Council supports the reporting of performance of a plan / project against the achievement of outcomes to ensure it is possible to demonstrate that the mitigation has been achieved.

The County Council considers that it would be important to report on the achievement of outcomes as well as identifying appropriate indicators, appropriately funding the monitoring process and identifying which body will undertake the monitoring and reporting.

Question 23: What are the opportunities and challenges in reporting on the achievement of outcomes?

One challenge faced by the County Council is the lack of accurate baseline data, as well as the different ways the data has been collected/presented at a project level. This may make collecting national datasets, interrogating data and providing valid statements regarding high level outcomes difficult.

Costs associated to Local Planning Authorities in gathering any data linked in to reporting requirements may also be a challenge. The County Council considers that the new processes will need to be simple to enable Local Planning Authorities to gather and disseminate any data.

A further challenge relates to the way data is collected / analysed to ensure it is possible to carry out detailed analysis to improve submissions / mitigation.

To ensure valid outcomes are delivered, and data can be collected, analysed and findings implemented, sufficient funding and resourcing of Local Planning Authorities will be vital. It must be clear what parties will be responsible for collecting, storing and monitoring the data.

There is also a need for clear mechanisms to require the developers / management companies to provide any data required for the reporting to ensure that when sites are sold, then the requirement remains.

The format and content of consolidated returns will need to be established to ensure that there is consistency – and avoiding duplication and unnecessary burdens and costs to those involved. Skills and expertise will also need to be developed to ensure effective implementation and this must be considered in relation to the lead in times to build in the change to the processes.

In consideration of the historic environment, it will be important to have a base level assessment against which to measure change as for historic environment, such detail does not generally exist and may only be provided through the fieldwork stage of a development or other proposal. With appropriate funding, it may be possible for Historic Environment Records to be involved in this process.

Next Steps

Question 24: Once regulations are laid, what length of transition do you consider is appropriate for your regime?

- i) 6 months
- ii) 1 year
- iii) 2 years

Please state regime.

The County Council considers that 1-2 years would be appropriate, but the guidance and details of the proposals must be released sufficiently in advance to enable all those involved in development to prepare accordingly. Any shorter timeframe is not considered to be sufficient to prepare for changes which are yet to be developed and many details of which remain outstanding.

Question 25: What new skills or additional support would be required to support the implementation of Environmental Outcomes Reports?

The County Council considers that resourcing is a continual challenge and new skills as well as resources will be required to ensure that EOR can be successfully implemented. This includes ensuring that Local Planning Authorities have the necessary staffing and expertise to be able to successfully implement, monitor and manage the EOR process.

However, in the absence of further details, it is difficult to fully respond to this question. Paragraph 11.8 states that the Government will support and work with authorities to ensure that authorities have the capability and skills to provide an efficient service and feel confident they can protect our environment and deliver levelling up. This is welcomed.

From the information available, it is likely that additional support and skills will be required around digital data management and reporting skills; working with large complex data sets, including managing data returns relating to possibly 66+ indicators; system development and monitoring resources.

Question 26: The government would be grateful for your comments on any impacts of the proposals in this document and how they might impact on eliminating discrimination, advancing equality and fostering good relations.

The County Council has no comments.



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BY EMAIL ONLY

13 June 2023

Dear Sir/Madam,

Re: Maidstone Borough Council Design and Sustainability Development Plan Document – Preferred Approaches Regulation 18 Consultation

Thank you for consulting Kent County Council (hereafter referred to as the County Council) on the Maidstone Design and Sustainability Development Plan Document (DPD) and the Interim Sustainability Appraisal.

The County Council has reviewed the documents and for ease of reference has provided comments structured under the chapter headings within the DPD and the Interim Sustainability Appraisal.

Design and Sustainability DPD - Preferred Approaches Document

Chapter 1 Introduction

1.3 Purpose of the D&S DPD

Heritage Conservation: The County Council considers that the goal of the DPD is to build attractive and sustainable communities. It is the view of the Heritage Conservation Service that, in order to do this, the document will need to draw on Maidstone's heritage to be successful. The historic buildings, archaeological sites and monuments and historic landscape provide a range of opportunities that can serve to enhance life in the Borough. However, they also have vulnerabilities that must be recognised to prevent new growth from negatively impacting on them and reducing the attractiveness of Maidstone. The County Council would therefore advise Maidstone Borough Council to develop a Heritage Strategy to support the DPD.

The goals of a Heritage Strategy are:

- To identify and describe the key themes of relevance of the heritage in the Borough and the heritage assets that represent them.
- To assess the role that these can play in regeneration and tourism.
- To identify heritage assets' vulnerabilities and the opportunities they provide.
- To inform site allocations within the Borough.
- To support policy development.

The County Council would advise Maidstone Borough Council to have a strategy which would also be compliant with paragraph 190 of the National Planning Policy Framework (NPPF) which requires local authorities to have a "*positive strategy for the conservation and enjoyment of the historic environment.*" This would greatly support the placemaking and design work at the heart of this DPD.

1.6 Justification and Evidence Base

Highways and Transportation: The County Council, as Local Highway Authority, is supportive of the DPD as a means of ensuring full weight is given to high quality design and sustainability in the decision-making process on planning applications for new development.

The County Council is also supportive of the evidence underpinning the DPD which is important in achieving layout designs that are suitable for adoption by the County Council as publicly maintainable highway.

Chapter 2 The Maidstone Design & Sustainability Approach

2.4 Maidstone's Priority Outcomes for Good Design

Public Rights of Way (PRoW): 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. The County Council 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. The County Council 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 provided comments on the Scoping, Themes and Issues Regulation 18 consultation in November 2022 (Appendix A), with the hope for these to be positively addressed to promote active travel and the PRoW network within the Borough. It is therefore disappointing that there is little reference to either the PRoW network (with only one reference to Rights of Way specifically) and minimal reference to active travel. The County Council notes this consultation and the DPD seek to complement the emerging Maidstone Local Plan and without specific reference to the opportunities that the PRoW network can offer, the duty to improve and protect, together with funding opportunities, will not be met. It

is noted that there is also no reference to the objectives of the KCC ROWIP, which contributes towards more sustainable development, delivers active travel options, and provides opportunities for exercise, leisure, and open-air recreation. The County Council is therefore concerned with the omission of any reference to this statutory document.

The County Council recommends that the 'Movement' section references all routes, including off-road routes and Rights of Way, rather than just a "*connected network of streets*". This will ensure overall connectivity and sustainability in the Borough.

Chapter 3 Maidstone's Places

3.1 Approach to Characterisation of Maidstone Borough

PRoW: The County Council advises that all descriptions of the areas within Maidstone Borough, from Urban and Town to Villages and Settlements, should specifically include reference to the PRoW network. The significance of PRoW should also be referenced and included within the "*landscape characteristics, which should form the basis of design cues*".

3.2 Maidstone Town Centre

Highways and Transportation: The County Council notes that Figure 5 contains errors in the railway station locations, the labelling/colour coding of the railway lines and the labelling of the A249. It is advised that these are amended accordingly.

3.3 Maidstone Urban Area

Highways and Transportation: It is recommended that the second paragraph on page 40 is revised, as it contains an error in describing the radial corridors and should reference the A274.

The County Council also notes that Figure 6 contains errors in the colour coding of the railways and should therefore be modified to accurately represent Maidstone Urban Area.

Heritage Conservation: The County Council recognises that the current text rightly highlights the importance of Maidstone's historic parks and gardens. However, if this resource is to play its full role, there is a clear need to ensure this approach is evidence based. At present, the main information resource for the local (as opposed to Registered) historic parks and gardens of Maidstone is the 1996 Compendium of Historic Parks and Gardens (KCC and the Kent Gardens Trust). The Compendium needs reviewing in order to ensure that it is brought up to date and that the significance of the Borough's gardens is properly assessed. Only then can it be used to manage and, where possible, enhance this extremely important resource. The County Council has recently been working on a number of such reviews with the Kent Gardens Trust and welcomes the opportunity to discuss an update for Maidstone with Maidstone Borough Council.

3.5 Settlements in the Wealden Greensand – 3.6 Villages in the Low Weald

Highways and Transportation: The County Council notes that references to the number of bus services serving each settlement may quickly become outdated due to the ever-changing nature of the bus network. These are therefore recommended to be removed from the DPD.

3.5.7. Sutton Valence

Highways and Transportation: The County Council would recommend that the text on page 72 is revised as Sutton Valence does not have a rail station.

Chapter 4 Maidstone Borough Design and Sustainability Requirements

4.1 Overarching Design & Sustainability Principles

PRoW: The County Council recommends that the 'Open Space and Nature' section references PRoW, as it is a key component of green infrastructure and provides the means for people to exercise active travel choices in making connections within their community and with neighbouring communities. The 'Movement' section would also benefit from the inclusion of PRoW, to encourage local journeys on foot or bicycle.

4.2 Placemaking

PRoW: The County Council is disappointed with the omission of how PRoW opportunities can provide benefits to sustainability, health and access, and would advise that these are included in this section. It is also recommended that point (1) '*Understanding the Context, Character and Identity*' should include specific reference to the PRoW network in terms of landscape, character, open space and accessibility, as previously advised.

Heritage Conservation: The County Council recognises that the Maidstone Borough has been shaped and influenced by a long history, the legacy of which is a strong and rich cultural heritage. In addition to an extensive and important archaeological heritage from prehistory, Roman, Anglo-Saxon and Medieval and later periods, the Borough contains highly visible built heritage. A range of industries have shaped the Borough, including paper-making, brewing, extraction and transportation. Buildings have been constructed from local materials in the form of ragstone, clay and timber. The wider landscape of the Borough is also historic in nature, containing numerous ancient routeways as well as historic woodland, farms and farmsteads. There is a rich resource to draw on when placemaking. However, Maidstone does suffer from a lack of placemaking tools. As mentioned above there is, as yet, no Heritage Strategy for Maidstone. The [Historic Landscape Characterisation](#) (2001) for Kent needs to be refined and detailed for Maidstone as has happened in Tunbridge Wells and the Hoo Peninsula - many of the Conservation Areas in Maidstone borough still lack appraisals. The Local List of Heritage Assets seems to have been added to since the 1970s. These tools have the potential to contribute to placemaking by helping integrate new development into what is already there and the County Council would recommend that they are further developed and enhanced through this document.

Policy D&S DPD PM1: Placemaking

Highways and Transportation: The County Council considers that Policy PM1 would benefit from greater clarity on how a 20-minute neighbourhood is intended to represent the upper limit of a two-way journey on foot. The text is also recommended to include definitions to confirm what is meant by large and small scale development.

4.3 Streets and Buildings

Policy D&S DPD S1: Built Form

Highways and Transportation: The County Council advises that Policy S1 should highlight the need for street trees and lighting to be co-ordinated together to ensure that foliage does not impact light exposure in new development.

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, has reviewed the documents and is generally supportive. However, it is recommended that section 4(e) of this policy could also consider the utilisation of SuDS within the green infrastructure areas in order to maximise the multiple benefits that these areas can provide.

Policy D&S DPD S5: High Quality Public Realm and Streetscene

Highways and Transportation: It is recommended that Policy S5 acknowledges that areas of public realm forming part of the publicly maintained highway will need to accord with the County Council's requirements in terms of layout, design and materials.

Policy D&S DPD S6: Off-Street Parking

Highways and Transportation: The County Council would advise that the following points are considered in respect of this policy:

- parked vehicles overhanging the footway should be avoided;
- garages are not normally counted as part of the parking provision;
- tandem parking is generally under-utilised and should be discouraged;
- unallocated visitor parking is usually more efficient than allocated provision;
- the scope for shared parking, which optimizes parking capacity by allowing complementary land uses to share spaces, rather than producing separate spaces for separate uses;
- the need for dedicated disabled, motorcycle, van and delivery/servicing parking; and
- the need for a mix of active and passive EV charging.

Policy D&S DPD S7: On-Street Parking

Highways and Transportation: The County Council does not currently allow private Electric Vehicle Charging Points to be installed on the highway or charging cables to be brought from a private property onto the highway. Any Borough Council application to place an Electric

Vehicle Charging Point on the highway is the subject of an application process, and this is recommended to be included within the policy.

4.4 Open Spaces and Nature

PRoW: The County Council recommends that reference is made to the PRoW network with regard to either development or public amenity and enjoyment of landscape.

Sport and Recreation: The County Council notes that the previous Scoping, Themes and Issues Regulation 18 consultation document mentioned that Sport England was reviewing its Active Design guidance - this [guidance](#) has now been published and should be considered accordingly.

Heritage Conservation: The County Council refers to its previous comments made in relation to Placemaking which are also applicable in the 'Open Spaces and Nature' section - in particular, the suitability of Historic Landscape Characterisation for informing decision-taking at the landscape level and the role it can play in connecting urban centres with the surrounding countryside.

Policy D&S DPD ON1: Landscape and the Setting of Places

PRoW: The County Council recommends that this policy refers to PRoW, to ensure that development proposals consider the views of the local landscape on the PRoW network.

Policy D&S DPD ON2 Open Spaces

PRoW: The County Council would advise that reference is made to PRoW within this policy, as they provide routes for more sustainable transport, be it for leisure purposes or for providing access to places of work, education or facilities.

SuDS: The County Council notes that this policy is in conflict with the supporting policy guidance, in that 1(b) states "To optimise their environmental, social and recreational potential by providing multifunctional all year-round activity useable space for a range of activities," with the supporting guidance stating that (as per the [National Design Guide](#)) green spaces should take into account "their potential to contribute to a strategic green infrastructure system, and to water management." The County Council requests clarification on whether Maidstone Borough Council considers it acceptable for an area of open space to be utilised for water management if it prevented all year round use.

Policy D&S DPD ON3: Biodiversity, Geodiversity and Nature Recover

Biodiversity: The County Council considers that this policy is well-worded and includes reference to key aspects such as biodiversity net gain and enhancement, connectivity and protection of designated sites. In respect of point (g), the County Council acknowledges that this aligns with the wording of the NPPF. In practice, however, it is advised that the protection of locally designated sites requires more support and the County Council requests that the following wording is also included, which details the minimum level of protection to be afforded to any designated site:

*“g) Protects designated sites and gives them appropriate weight according to their importance and the contribution they make to wider ecological networks and nature recovery; **Development which has potential to lead to the loss or deterioration of any designated site in the Borough, will be avoided. Where avoidance is not possible, full justification for impacts and provision of an appropriate mitigation and compensation strategy will be required.**”*

Supporting Policy Guidance for Policy D&S DPD ON3: Biodiversity, Geodiversity and Nature Recover

Biodiversity: The County Council welcomes the guidance in the ‘Enhancing Biodiversity’ section, which helps new developments in supporting wildlife. In other paragraphs of this chapter, there is repeated reference to areas for nature and wildlife providing space for recreation, sport and fitness. There is capacity within spaces such as urban parks to achieve both undisturbed areas for wildlife and more public areas for recreation. However, the County Council advises that under Biodiversity Net Gain, areas used for recreation will need to be separate from those where Biodiversity Net Gain has been stipulated if target habitats are to be achieved. For example, dog-walking areas are not conducive to the development of low nutrient grassland habitat. Similarly, breeding birds, mammals and reptiles are highly sensitive to human disturbance.

Policy ON4: Biodiversity Net Gain

Biodiversity: The County Council notes the sentence in point 1(c) of this policy: *“Consideration should be given to landscape character when developing proposals for biodiversity net gain”*. The County Council is not aware of the reference to *“landscape character”* within existing Biodiversity Net Gain legislation or guidance. Habitat type within the site and surrounding area, and creation of connected areas at landscape scale, will be the principal focus of Biodiversity Net Gain. This may include elements of landscape character, however, heritage and historical land use are not considered within Biodiversity Net Gain. The County Council would therefore ask that this policy is amended.

The County Council would recommend the following amendment to point 3(a) of this policy, to distinguish between mitigation and compensation required for Biodiversity Net Gain and that required for other purposes, such as protected species and designated sites:

*“a) All development required to provide biodiversity gain must provide appropriate mitigation and compensation **for habitat loss** in accordance with the mitigation hierarchy.”*

4.4.5 Sustainable Drainage Systems (SuDS)

Heritage Conservation: The County Council notes that SuDS may have both direct and indirect impacts on the historic environment. Direct impacts could include damage to known heritage assets – for example, if a historic drainage ditch is widened and deepened as part of SuDS works. Alternatively, they may directly impact on unknown assets such as when SuDS works damage buried archaeological remains. Indirect impacts are when the ground conditions are changed by SuDS works, thereby impacting on heritage assets. For example, using an area for water storage, or improving an area’s drainage can change the moisture

level in the local environment. Archaeological remains are highly vulnerable to changing moisture levels which can accelerate the decay of organic remains and alter the chemical constituency of the soils. Historic buildings are often more vulnerable than modern buildings to flood damage to their foundations.

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

Policy D&S DPD ON6: Green Infrastructure

PRoW: The County Council recommends that reference is made to PRoW and the ROWIP in this policy, as they provide a significant role in facilitating active travel, improving access to amenities and providing opportunities for leisure and recreation.

Supporting Policy Guidance for Policy D&S DPD ON6: Green Infrastructure

Biodiversity: The County Council notes the following sentence in the supporting policy guidance: *“Native trees and shrubs and longer-lived species should be selected where possible and appropriate as they support a greater variety of wildlife, are often more suited to local conditions and better reflect the character of the wider countryside”*. The County Council welcomes the preference for native species but would advise that stronger wording is used to replace *“where possible”*. Non-native plant species growing in the wild are now known to outnumber native species (Botanical Society of Britain and Ireland, Plant Atlas 2020) and the County Council would advise that planting of native species should be seen less as an option and more as an imperative. Under Biodiversity Net Gain, native species accrue higher unit values than non-native species (usually at least doubling the unit value), and incorporation of native species landscaping as standard will therefore become increasingly important as part of viable Biodiversity Net Gain proposals.

Relationship with Landscape Strategy

Biodiversity: The County Council would recommend that the last paragraph under this heading is revised to include reference to insect and pollinator diversity:

*“Creating avenues of a single species normally helps to deliver the necessary formality for main streets and spaces, applicants should nevertheless avoid over-long stretches of the same species to safeguard against the risk of tree losses through disease. **Planting a diverse range of native species will also result in increased diversity of insects and subsequently birds, bats and other foraging species.**”*

Tree species

Biodiversity: The County Council welcomes the inclusion of the most suitable native species for street tree planting. However, the following non-native species are recommended to be removed from the list as they provide negligible biodiversity value:

- Italian alder
- Pin Oak
- Maidenhair tree
- Turkish Hazel
- Sweet Gum tree
- Strawberry tree
- Lavelle Hawthorn
- Chinese Privet

Tailoring Choice of Species

Biodiversity: The County Council notes the following paragraph in this section: “*Areas of the ubiquitous, ‘estate’ planting of ornamental ground-cover shrubs (such as Berberis, Pyracantha, Photinia and Mahonia) are not appropriate in developments within villages. Locally non-native or invasive species such as laurel, leylandii, buddleia, European bluebells, rhododendron and cotoneaster should also be avoided, as should imported topsoil and other mechanisms which could introduce pests and diseases.*” It is recommended that, in terms of protection and enhancement of biodiversity and achievement of Biodiversity Net Gain, planting of ornamental shrubs is similarly inappropriate within more urban areas. Given that most development occurs within urban sites, planting of native species within urban areas will have a proportionately greater impact on the increased provision of native species landscaping and provide further benefits for biodiversity.

Policy D&S DPD ON7: Protection of Dark Skies

PRoW: The County Council considers that this policy should include the effect of light pollution and glare on rural PRoW, to ensure that development does not adversely affect the amenity of the PRoW network.

Biodiversity: The County Council recommends that the policy wording is amended as follows:

*“c) as well as managing luminosity levels, lower temperature levels, **automatic timers and dimmers** should be used ~~and where possible automatic timers and dimmers used~~ **unless justification is provided in the form of health and safety or other relevant risk.***

*g) Where lighting of a landmark or heritage feature is proposed, the level and type of illumination used would enhance the feature itself, **and will not impact on wildlife throughout the night.***

*Development proposals will need to take into account the Institute of Lighting Professionals guidance, **the Bat Conservation Trust Guidance Note 08/18 Bats and Artificial Lighting in the UK (or later amendments), A Review of the Impact of Artificial Lighting on Invertebrates (Buglife, 2011)** and other relevant guidance such as that from the International Dark-Sky Association and AONB Units.”*

Page 158

Biodiversity: The County Council proposes the following modifications to the second paragraph on this page:

*“Applicants should consider the environmental zone of the development when designing external lighting. The following limits should be used as a guide in designing external lighting. **Where maximum values are reached the duration of the lit period should be limited to reduce impacts on biodiversity in both urban and rural areas.**”*

Maximum values of vertical illuminance on premises

Biodiversity: The County Council welcomes the wording of the first paragraph on this page, but would recommend this is strengthened as proposed below:

*“It is not expected that any external lighting would be required in Natural areas, and in Rural areas it should only be used where it is absolutely necessary, and should conform to the Institute of Lighting Standards **and listed guidance under Policy ON7, and be restricted to night time switch-off.** Site-specific solutions should be created that minimise light pollution and glare in context. Where lighting is needed, the suburban impact of street ‘clutter’ of a proliferation of lighting columns, uncharacteristic in many of Maidstone’s villages, can be minimised through a more place-sensitive product selection; a combination of Passive Infrared lights on building access points (e.g. porch lights), low level bollard lighting on key public routes, and **downward facing only** wall-mounted lighting within parking courts.”*

4.5 Movement

Policy D&S DPD MO1: Layout and Movement

Highways and Transportation: The County Council would advise that Policy MO1 highlights the need for street trees and lighting to be co-ordinated together to ensure that that foliage does not impact light exposure in new development.

PRoW: The County Council recommends that this policy references PRoW to avoid the risk of losing opportunities for funding through development for upgrades and improvements to the network. The reference to “*footpaths*” is incorrect and requires amendment to the below:

*“The movement network (streets, public transport network, cycleways and ~~footpaths~~ **the Public Rights of Way Network, including Public Footpaths, Bridleways, Restricted Byways and Byways Open to all Traffic**) should:”*

The reference at point (g) to “*carefully integrate rights of way*” is positive, however the County Council would recommend that this point is expanded on. The County Council has a duty to protect and enhance the network and PRow should be positively incorporated into development, the surrounding area connectivity should be taken into account and new links by means of upgrading rights or creation of new routes should be included.

Policy D&S DPD MO2: Design for All

PRow: The County Council would advise that reference is made to [Paths for All - Outdoor Accessibility Guidance](#) within this policy, which aims to make outdoor spaces, routes and facilities more accessible, and outdoor experiences more inclusive.

4.5.3. Active Travel

PRow: The County Council notes that the priority for active travel should not just be cycling. Active Travel England has cited Central Government’s “[strategy and vision for walking and cycling where half of all journeys in towns and cities are walked and cycled by 2030.](#)” It is therefore recommended that the DPD includes reference to how PRow routes can be used for both commuting/active travel and leisure purposes. The County Council would highlight that investment in these routes can help to realise this strategy.

Policy D&S DPD MO3: Plan for cyclists

Highways and Transportation: The County Council would recommend that this policy incorporates parking for adaptive bicycles and, at non-residential developments, to encourage the provision of showering/clothing storage facilities.

PRow: The County Council would advise Maidstone Borough Council to prepare a Walking and Cycling Strategy, particularly for links within and from new developments to existing community facilities.

Supporting Policy Guidance for Policy D&S DPD MO3: Plan for cyclists

Highways and Transportation: It is noted that the proposed cycle parking standards differ from [Supplementary Planning Guidance \(SPG4\): Vehicle Parking Standards](#) in requiring higher levels of cycle parking. The principle of encouraging greater uptake of cycling through increased parking is supported, however, the County Council would welcome further dialogue with the Borough Council on the standards as part of ensuring that a consistent approach across the county can be achieved.

4.6 Sustainable Buildings

Historic Assets

Heritage Conservation: Historic England has produced a range of guidance on the role that heritage can play in mitigating climate change and historic building adaptation, including the [Climate Change Adaptation Report](#) (2016). The guidance demonstrates that historic structures, settlements and landscapes can at times be more resilient in the face of climate

change, and more energy efficient than more modern structures and settlements. This has also been updated in the Historic England report [There's no Place Like Old Homes: re-use and Recycle to Reduce Carbon](#) (2019). This could usefully be highlighted in the text which, at present, suggests that energy efficient housing must only be exhibited by new buildings.

4.7 Design Quality

4.7.2 Masterplanning

PRoW: The County Council would recommend that the PRoW network is included on all Masterplans to show the wider area context for connectivity purposes.

Heritage Conservation: The County Council would advise that new layouts should complement existing historic settlement patterns and be undertaken sensitively, and existing patterns should be retained as much as possible. It is expected that planners will ensure that developments respect the existing settlement in terms of scale, layout and orientation so that the pre-existing historic settlement is not diminished by the new development.

Detailed Historic Landscape Characterisation can greatly assist with this by revealing the underlying pattern of tracks and lanes, hedgerows and planting that has developed in an area over centuries. This can be drawn upon to help create sustainable communities with appropriate linkages and through routes, as well as by identifying historic features that can help give a sense of place to new development. The County Council would suggest that the DPD commits the Borough Council to revising the 2001 Historic Landscape Characterisation and would welcome further discussion on this matter.

Policy D&S DPD DQ2: Masterplanning

PRoW: The County Council recommends inclusion of the PRoW network in this policy to ensure positive incorporation and area connectivity.

4.7.5. Materials and Detailing and Policy D&S DPD DQ5: Materials and Detailing

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, does not consider that section 4.7.5 'Materials and Detailing', and Policy D&S DPD DQ5: Materials and Detailing demonstrate an appropriate understanding of how local minerals have historically been used. The County Council would recommend that the DPD is more explicit in this regard, by stating that the area's safeguarded minerals will play an important part in maintaining the fabric of historical structures and play an important role in maintaining the local architectural vernacular in new built structures and dwellings.

Interim Sustainability Appraisal

Chapter 3 Sustainability Appraisal Findings

3.3.3 Policy ON3: Biodiversity, Geodiversity and Nature Recovery

SuDS: The County Council, as Lead Local Flood Authority, is surprised to note that Policy ON3 is rated neutral for water (Objective SA10) in the Interim Sustainability Appraisal, given the supporting guidance references that it supports water management. Similarly, Policy ON6 specifically references flood mitigation, however, it scores neutral in the Sustainability Appraisal findings. The County Council would therefore request clarification on these points.

Biodiversity Net Gain Topic Paper

Chapter 2 Legislative Requirements

Page 2

Biodiversity: The County Council recommends that paragraphs 1 and 2 of this page are amended. Words such as “*common*” when referring to habitats detract from the point that biodiversity is experiencing widespread decline. The national decline in biodiversity for several decades means that no habitat loss can be considered as insignificant. Furthermore, the County Council disagrees with the statement that the current system likely avoids the most severe impacts on biodiversity and protects the best sites for wildlife. Approved development is resulting in the continual loss and degradation of such sites and habitats. The potential value of Biodiversity Net Gain in reversing biodiversity decline in the long term and all associated benefits for human and social health, cannot be overstated.

Managing off-site enhancements

Biodiversity: The County Council would advise that this paragraph is amended to remove the negative term “*onerous*” in relation to the Biodiversity Metric scoring. There is an urgent need to slow the widely evidenced decline in biodiversity and to retain ecosystem services. Biodiversity Net Gain provides the only consistent approach to this for the majority of development and the current extent of often-associated net habitat loss. The suggested amendment is as follows:

~~“The Biodiversity Metric scoring is onerous and many development~~ **Due to the proposed size of the developed area within many sites, development may need to offset its impacts off-site, since to rely on on site provision may reduce the developable area so significantly that development could become unviable..... such that both the development and achievement of Biodiversity Net Gain in accordance with the requirements of the metric can be viably achieved....”**

Biodiversity: The County Council acknowledges that the consultation is considering if exemptions should also be made for the creation of biodiversity gain sites, self-builds and custom housebuilding. It is noted that recent guidance provided by DEFRA confirms the following exemptions: Development affecting very small areas of habitat (<25m² or 5m linear habitats); householder applications; small scale self/custom house builds; sites being enhanced for wildlife. Brownfield, change of use and temporary applications are not exempt. Regarding smaller sites, the County Council notes that there will be a delay to Biodiversity Net Gain requirements to April 2024, and for Nationally Significant Infrastructure Projects, this requirement will be no later than November 2025.

Chapter 3 National Policy and Guidance

3.3 Other National Guidance - Natural England's Biodiversity Metric

Biodiversity: The County Council proposes the following modifications to this chapter:

3rd paragraph: *"The relative value in biodiversity units 'post development' is then deducted from the 'baseline' to give a value for the extent of change. If a **minimum 20%** 'net gain' is achieved on-site, there is no need to consider off site measures."*

4th paragraph: *"The total change in units needs to be sufficient to ensure a **minimum 20%** 'net gain' is achieved."*

6th paragraph: *"The Metric also lists a variety of habitats that are specifically found or could be provided as BNG within an urban context. This includes allotments, biodiverse green roofs, green walls, shrubs, urban trees and sustainable urban drainage features. **While not always specified within the metric, the use of native species over non-native will be recommended to achieve actual biodiversity net gain. Unit values for native habitats achieve greater unit values than non-native/ornamental due to the higher value for the distinctiveness multiplier.** Some of these habitats and measures may be more achievable for proposals situated within the built-up area of Maidstone. The assumption is that all proposed measures should be appropriate to the development, site location and surroundings, **and provide adequate compensation relative to the habitat types being lost.**"*

7th paragraph: *"Although species-based measures such as swift bricks do not count as measurable BNG, these types of measures **are still required for biodiversity enhancement (additional to BNG) in accordance with the NPPF.**"*

Chapter 6 Discussion and Conclusions


6.2 Conclusions for DPD policies

Biodiversity: The County Council notes the last two bullet points in this section and would advise that there is a need to distinguish between the term “*enhancement*” under the NPPF and “habitat enhancement” (or creation) as achieved under Biodiversity Net Gain.

In relation to the last paragraph regarding biodiversity compensation, the County Council notes that under the Environment Act 2021 and subsequent Biodiversity Net Gain guidance produced by DEFRA, appropriate management, monitoring and retention of all onsite and/or offsite Biodiversity Net Gain will need to be secured for a minimum 30-year period. This will be agreed through an appropriate legal agreement (Section 106 or similar) between the landowner/developer and Local Planning Authority as part of the planning application process.

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

Yours sincerely,



Stephanie Holt-Castle
Director for Growth and Communities

Encs:

Appendix A: 15.12.2022 KCC Response to Maidstone Design and Sustainability DPD Regulation 18 Consultation

Appendix B: KCC Guidance on the Historic Environment and Sustainable Drainage

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BY EMAIL ONLY

15 December 2022

Dear Sir/Madam,

Re: Maidstone Borough Design and Sustainability Development Plan Document Regulation 18 Consultation

Thank you for consulting Kent County Council (KCC) on the Maidstone Borough Design and Sustainability Development Plan Document (DPD).

The County Council has reviewed the document and for ease of reference has provided comments structured under the chapter headings within the DPD. KCC would request further engagement with Maidstone Borough Council and would welcome the arrangement of a workshop to discuss the matters that have been raised.

Introduction & How To Respond

The Purpose of this Development Plan Document

Heritage Conservation: The County Council recommends that the goal of the DPD, which is to build attractive and sustainable communities, will need to draw on Maidstone's heritage to be successful. The historic buildings, archaeological sites and monuments and historic landscape provide a range of opportunities that can serve to enhance life in the Borough. However, they also have vulnerabilities that must be recognised to prevent new growth from negatively impacting on them and reducing the attractiveness of Maidstone. KCC would therefore advise Maidstone Borough Council to develop a Heritage Strategy to approach this. The goals of a Heritage Strategy are:

- To identify and describe the key themes of relevance of the heritage of the district and the heritage assets that represent them
- To assess the role that these can play in in regeneration and tourism

- To identify both their vulnerabilities and the opportunities they provide
- To inform site allocations within the district
- To support policy development

The County Council would suggest that Maidstone Borough Council needs a similar strategy which would also be compliant with paragraph 190 of the National Planning Policy Framework (NPPF), which requires local authorities to have a '*positive strategy for the conservation and enjoyment of the historic environment.*' Policy ENV 1 'Development affecting heritage assets' in the Local Plan Regulation 18 Preferred Approaches consultation for the Local Plan Review in December 2020 contained the goal that a Heritage Assets Review and Heritage Strategy should be developed at some point in the future, in the 'Further work to do' section. This should be advanced as it would greatly support the placemaking and design work at the heart of this DPD.

What are the key cross-boundary issues?

Highways and Transportation: The County Council, as Local Highway Authority, would recommend the inclusion of a '*movement / connectivity*' heading within the key strategic issues section to ensure that reference is made to highway matters.

Public Rights of Way (PRoW): KCC welcomes the opportunity to comment on the DPD at its Regulation 18 public consultation stage. 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. 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. These include 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 seeks to ensure the positive promotion of the PRoW network within the Borough. The County Council notes that this consultation seeks to complement the emerging Local Plan and would draw attention to the positive contribution that PRoW can offer to the DPD's themes.

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority is pleased to note that water quality and quantity are mentioned within the key cross boundary section with the view to engage with KCC. The County Council is very supportive of this approach and would welcome any future conversations that Maidstone Borough Council would like to pursue further at this point.

Key questions for consideration:

Do you think we have identified all the issues that a Design and Sustainability DPD should consider?

Public Health: The County Council considers that the way places are designed has a significant influence over whether communities can live healthy lives, in addition to Maidstone Borough Council having a cross-cutting strategic objective of reducing health inequalities. It is therefore advised that a section on 'Design for Healthy Places' is included within the DPD.

Design for Healthy Places and reducing health inequalities/deprivation should also be a consideration within the other issues identified in particular place-making. Within the issue of Design Quality it would be good to see design for optimal Human Health (including ageing well) as a consideration.

Have we identified all the cross-boundary/strategic issues that the DPD should address?

Public Health: Maidstone Borough Council has cross-cutting strategic priorities of reducing health inequalities and deprivation which should be reflected. Health inequalities are unfair and avoidable differences in health across the population, and between different groups within society. They arise because of the conditions in which we are born, grow, live, work and age.

To reduce health inequalities in a community, efforts must be made to ensure that new developments bring benefits for the least healthy or least affluent, wherever possible. This includes addressing health challenges in adjacent communities which should be considered and built into wider investment and improvement plans.

Have we identified the key evidence base documents?

Public Health: The Borough Council has a strategic objective of reducing health inequalities in addition to aspirations within the Design and Sustainability plan itself to develop healthy places and improve health and wellbeing. Therefore, the County Council recommends that the Borough Council has consideration of [Building for a Healthy Life](#).

Additionally, it is important to identify local health and wellbeing needs to understand the impact of any new development on the health needs of existing and future populations to ensure the design enables and supports healthy lifestyles or mitigates against any negative health impacts.

Developing predictions of the demographic and emerging needs of future populations of those moving into new developments is important and can be built upon by learning from similar sites and their own health needs. In order to reduce health inequalities it is also important to understand the impact of new development on surrounding existing communities and therefore how the development can bring benefits for the least affluent.

Local data and intelligence can be viewed via:

- [Kent Joint Strategic Needs Assessment \(JSNA\)](#)
- [Public Health Outcomes Framework \(PHOF\)](#)
- [Local Health](#)
- [Strategic Health Asset Planning and Evaluation \(SHAPE\)](#)

Additionally, it is important to use evidence informed principles to design healthy places to improve health outcomes for residents, in addition to Building for a Healthy Life. KCC would draw attention to [Spatial Planning for Health: An evidence resource for planning and designing healthier places](#) as a useful resource. Further Public Health and Built Environment guidance which could be used is:

- [Healthy weight environments: using the planning system](#) – Public Health England (PHE) (2020)
- [Spatial Planning and health: Getting Research into Practice](#) – PHE and University of West England (2020)
- [Putting Health into Place: Introducing NHS England's Healthy New Towns programme](#) – NHS (2018)
- [Healthy High Streets: good place-making in an urban setting](#) – PHE and UCL Institute of Health Equity (2018)
- [Securing constructive collaboration and consensus for planning healthy developments: A report from the Developers and Wellbeing Project](#) – TCPA (2018)
- [Spatial planning for health: an evidence resource for planning and designing healthier places](#) – PHE (2017)
- [Creating health promoting environments](#) – TCPA (2017)
- [Building the Foundations – tackling obesity through planning and development](#) – Local Government Association and TCPA (2016)
- [Active Design – planning for health and wellbeing through sport and physical activity](#) – Sport England (2015)
- [Planning Healthy Weight Environments](#) – TCPA (2014)
- [Obesity and the environment: regulating the growth of fast food outlets](#) – PHE (2014)
- [Planning Healthier Places](#) – TCPA (2013)

Placemaking

PRoW: The County Council welcomes the aspiration for the Borough to be attractive with distinctive safe and secure places to attract people. As recognised within the DPD, place comprises of many different environments, from the Town Centre to rural settlements and the wider countryside. Ensuring safe and convenient access within and between all environments will therefore be key to the Borough realising this aspiration. The PRoW network and active travel can play an important part in providing that access and this should be recognised within the Placemaking Theme.

Key placemaking questions for consideration

What are the elements of The Borough's heritage and identity that make the borough special? / What do you think the DPD needs to do in order to deliver great places?

Heritage Conservation: Maidstone Borough has been shaped and influenced by a long history, the legacy of which is a strong and rich cultural heritage. In addition to an extensive and important archaeological heritage from prehistory, Roman, Anglo-Saxon and Medieval and later periods, the Borough contains highly visible built heritage. A range of industries have shaped the Borough, including paper-making, brewing, extraction and transportation. Buildings have been constructed from local materials in the form of ragstone, clay and timber. The wider landscape of the Borough is also historic in nature, containing numerous ancient routeways as well as historic woodland, farms and farmsteads. There is therefore a rich resource to draw on when placemaking. However, KCC notes that Maidstone has a lack of placemaking tools. As mentioned above, there is currently no Heritage Strategy for Maidstone. The [Historic Landscape Characterisation](#) for Kent was produced in 2001 and needs to be refined and detailed for Maidstone, as has happened in Tunbridge Wells and the Hoo Peninsula. Many of the Conservation Areas still lack appraisals, however, the Local List of Heritage Assets has been added to since the 1970s. These tools have the potential to contribute to placemaking by helping integrate new development into what currently exists and the County Council would recommend that they are further developed and enhanced.

Placemaking is also important in the countryside. It should be noted that development between villages and hamlets and among farm buildings would in many places be consistent with the historic character of those areas. Historic England, together with KCC and the Kent Downs Area of Outstanding Natural Beauty (AONB) Unit, has published [guidance](#) on historic farmsteads in Kent that considers how rural development proposals can be assessed for whether they are consistent with the existing character of the countryside. KCC would advise the consideration of this guidance within the DPD.

The Kent Farmsteads Guidance has been endorsed by the County Council and it is recommended that Maidstone Borough Council considers adopting the guidance as an SPD, as part of the Local Plan process. KCC would welcome further discussions on this matter.

Streets and Buildings

Highways and Transportation: KCC notes that '*Movement within Streets*' is listed as a topic for consideration within the Streets and Buildings Theme, however, this has not been expanded on. It is advised that a clear question is provided in the Key Streets and Buildings Questions section on how this topic will be taken forward. The text also makes reference to lack of definition of parking facilities, and the County Council would recommend that this is linked to overall design guidance and the Movement Theme within the DPD.

PRoW: The County Council welcomes the DPD's desire to support walking and cycling and the recognition that environments have been created leading to '*vehicle dominance, along with higher vehicle speeds.*' KCC encourages the recognition of active travel within initial

concept-stage design criteria to enable the Borough's aspiration for 'easy to navigate streets and public spaces' to be realised.

Key Streets and Buildings questions for consideration:

Have we identified the key issues relating to Streets and Buildings? / Do you think the borough should set out clear guidance on how to develop good urban design?

Heritage Conservation: KCC notes that the text rightly states the following:

'There are strong historic cues from which development can draw to create legible, human scale, land efficient, and coherent development proposals which makes effective use of land. A coherent arrangement of buildings promotes walking and cycling which and leads to an efficient layout. This provides continuity and enclosure and clearly defined public and private spaces which enables legibility with recognisable routes, landmarks, and waypoints.'

New layouts should complement existing historic settlement patterns and should be undertaken sensitively, and existing patterns should be retained as much as possible. KCC would hope that developers will ensure that developments respect existing settlements in terms of scale, layout and orientation so that the pre-existing historic settlement is not diminished by the new development.

As referred to above, detailed Historic Landscape Characterisation can greatly assist with this by revealing the underlying pattern of tracks and lanes, hedgerows and planting that has developed in an area over centuries and that can be drawn upon to help create sustainable communities with appropriate linkages and through routes, as well as by identifying historic features that can help give a sense of place to new development. The County Council would advise that the DPD commits the Borough Council to revising the 2001 Historic Landscape Characterisation and would welcome engagement to discuss this further.

KCC would welcome clear guidance on master planning and good urban design as it would provide an opportunity to embed historic environment conservation principles into new development at the scheme level. There is a lack of clear national guidance for developers seeking to include heritage issues in their proposals except where they affect Conservation Areas. It is often that developments away from Conservation Areas fail to engage properly with the potential offered by heritage. Clear new guidance would therefore provide an opportunity to address this.

Open Space and Nature

PRoW: The County Council recognises that a key element of the Open Space and Nature Theme is recognition that the PRoW network is a component of Green Infrastructure. This is not only because PRoW are found in green and open spaces, however they are increasingly the means for people to exercise active travel choices in making connections within their community and with neighbouring communities.

The County Council encourages the Borough to recognise and appreciate the value of liaison with neighbouring administrative areas and with other tiers of administration. For example, KCC and neighbourhood initiative groups. Delivering infrastructure to benefit more individuals and communities will ensure a higher return on investment, so bringing all parties together will deliver stronger and more valued outcomes. This will therefore deliver 'whole journey' outcomes through the consideration of neighbouring areas, rather than best practice up to a particular boundary.

The DPD states that the Borough is seeking to *'integrate green spaces and infrastructure at every scale of design ... making a genuine and significant contribution to ... the causes and effects of climate change, and the health and wellbeing of communities'*. To achieve this, the County Council encourages the Open Space and Nature Theme to recognise the PRoW network and active travel.

SuDS: KCC is pleased to note the key role that open space and the natural environment have in the management of water in the DPD. Whilst KCC agrees with the statement that *'sensitively designed SuDS can support important wet/dry habitats that contribute to a net gain of biodiversity'*, the County Council would dispute the statement prior to this regarding a reliance of high flow rates and over engineered balancing ponds. As Lead Local Flood Authority, the County Council would always seek for proposed developments to discharge at a flow rate equivalent to, or below, that of pre-development and subsequently to have sympathetically designed ponds, if proposed.

As a general comment, the County Council, as Lead Local Flood Authority would request for Maidstone Borough Council to consider the possible inclusion within the DPD of the utilisation of public open space for the purposes of surface water management and whether this can be accounted for as part of the public open space allocation. KCC would recommend that any water feature should be included within the open space allocation given that it provides additional amenity and biodiversity value, however the County Council understands some districts' reluctance to accept this. The requirement for this area to be removed from the open space allocation is normally as a result of the area not being able to be physically accessed over, and KCC would mention that, if correctly engineered, these features can be accessed for the majority of time. For example, the creation of low flow channels through an attenuation basin will mean that the majority of the basin will stay dry except for at times of extreme rainfall.

KCC would also comment that that neither the County Council's Drainage and Planning Policy Document (2019) (Appendix A) or the [Water People Places, A Guide for Master Planning Sustainable Drainage into Developments](#) appear to be referenced. Maidstone Borough Council is advised that all new developments should comply with these documents and that they should help to give weight to their own aspirations with regards to the relevant sections of the DPD.

Emergency Planning and Resilience: The County Council notes that high quality green spaces have a key role in delivering natural cooling and atmospheric moisture, particularly in urban and village centre areas. It is therefore advised that usable open space is created that benefits biodiversity and people and enhances connectivity.

KCC advises that design in new developments must take into account existing habitats onsite and the different site uses. It is recommended that native species planting should be encouraged in new developments, particularly in open spaces, and this must be managed appropriately.

Key Open Space and Nature questions for consideration

Have we identified the key issues related to Open Space and Nature? / Do you think the borough needs to set out clear guidance on how to deliver new development that fits within the landscape and natural environment?

Biodiversity: The County Council agrees that Maidstone Borough Council has identified the key issues related to the Open Space and Nature Theme, however there is a need to highlight that any development or open space designed must ensure that it has been designed to consider species connectivity and does not result in islands being created.

KCC also agrees that there is a need to ensure there is consistency within developments throughout the Borough. This should be in all developments where open space is required including those in the middle of towns. Where there is no requirement for open space, developments should still be required to consider species connectivity and create habitats on site. In addition, there is a need to ensure that developments include enhancement features within buildings and open space to further benefit species.

The County Council would also advise that there is a need for the consideration of lighting within open spaces in developments. Lighting should be minimal to ensure that there are dark areas to benefit biodiversity.

Heritage Conservation: The County Council would draw attention to comments made in the Placemaking Theme which are also applicable here. This is regarding the suitability of Historic Landscape Characterisation for informing decision-taking at the landscape level and the role it can play in connecting urban centres with the surrounding countryside.

The current text rightly highlights the importance of Maidstone's historic parks and gardens. If this resource is to play its full role, however, there is a clear need to ensure this approach is evidence based. At present, the main information resource for the local (as opposed to Registered) historic parks and gardens of Maidstone is the 1996 Compendium of Historic Parks and Gardens produced by KCC and the Kent Gardens Trust. The Compendium needs reviewing in order to ensure that it is brought up to date and that the significance of the Borough's gardens is properly assessed. Only then can it be used to manage and, where possible, enhance this extremely important resource. The County Council has recently been working on a number of such reviews with the Kent Gardens Trust and KCC would welcome engagement to discuss an update for the Compendium for Maidstone with Maidstone Borough Council.

Many of the green and blue corridors are themselves historic routes and contain nationally and locally important heritage assets. For example, during the Second World War the River Medway was the General Headquarters (GHQ) Stop-Line and still contains dozens of pillboxes and defence sites. These constitute a nationally important group of heritage assets.

They may not be protected in law as protecting complexes such as this is particularly difficult and scheduling is seen as a management decision, but they need to be respected and protected as though they were statutorily protected sites, as noted within Section 16 'Conserving and enhancing the historic environment' of the NPPF.

KCC notes that where the River Len flows into the Medway is a constructed mill pond. It is a landmark feature for Maidstone Town with the reflection of the Rootes building and the industrial historic character being highly memorable. This site is particularly sensitive archaeologically in view of its position within the historic complex of the Archbishops Palace. There may have been a mill here during the Medieval Period, forming part of the medieval palace complex, but certainly post medieval mills were sited here and the adaptation of the River Len channel for industrial use just before it enters the River Medway is of key historic importance.

The River Len is also well known for the numerous mills which utilised the healthy flow of the river during the Medieval and Post Medieval periods and perhaps earlier. This distinctive character of the River Len is of special importance within the Borough and possibly makes it different to the other minor rivers flowing through Maidstone. An assessment of the heritage of the rivers in Maidstone would be a useful and informative dataset that could help develop the potential of the rivers and enable their effective management.

SuDS may have both direct and indirect impacts on the historic environment, which must be taken into consideration. Direct impacts could include damage to known heritage assets, for example, if a historic drainage ditch is widened and deepened as part of SuDS works. Alternatively, they may directly impact on unknown assets such as when SuDS works damage buried archaeological remains. Indirect impacts are when the ground conditions are changed by SuDS works, thereby impacting on heritage assets. For example, using an area for water storage, or improving an area's drainage can change the moisture level in the local environment. Archaeological remains are highly vulnerable to changing moisture levels which can accelerate the decay of organic remains and alter the chemical constituency of the soils. Historic buildings are often more vulnerable than modern buildings to flood damage to their foundations.

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

Movement

Highways and Transportation: The County Council notes that the comment in the second paragraph regarding the disadvantages associated with reliance on a single point of access needs to be balanced against the highway safety implications of a proliferation of accesses, given that junctions represent points of conflict. Defining the movement hierarchy will also

have implications for road capacity and safety, and KCC would advise that this is mentioned within the text.

PRoW: KCC recognises that many people would like to make local journeys on foot or bicycle but are often deterred by, amongst others:

- a lack of dedicated local facilities - dedicated off-road routes may simply not be close by or users are only offered routes that share highway space with vehicles, which increases the perception or fear of likely accident or injury.
- that routes that do exist are not convenient to use in all weather conditions throughout the year - walkers and cyclists will prefer, much like motorists on roads, to have enough space for different modes to pass each other safely and conveniently; and for a surface they can have confidence of walking or cycling on as weather changes.
- that use of existing routes may not be considered safe - previously provided as an 'after-thought' by developers and to now outdated standards, users may also feel that their personal security could be endangered, such as with unlit narrow alleys or in having to share space with vehicles.

The DPD aims to *'Ensure that the Borough of Maidstone is delivering a connected network of streets that prioritises journeys by active and sustainable transport modes, whilst allowing the use of streets for essential private vehicle movements'*. However, by focusing on *'streets'*, this statement overlooks the valuable contribution the PRoW network makes presently and will make in the future to Maidstone's residents and visitors, by providing the means to connect safely and conveniently within the Borough and to its surroundings. If the Borough is keen to seek cultural change towards active travel, it is encouraged to see *'movement'* as encompassing more than roads and streets.

KCC agrees with the statement that *'opportunities for new connections via foot or cycle can ... be overlooked'* when designing and approving proposals for new development. Delivering new routes, often multiple routes from a single development in order that users are offered direct connections for their desired destination, will over time contribute to creation of an integrated off-road network. If these are delivered on year-round useable surfaces and to standards where users will not feel their security is threatened, this will contribute to the cultural change the Borough is seeking.

The Borough is encouraged to place greater weight on the provision of off-road access in its guidance for developers and when determining planning proposals. There is considerable support for this within the NPPF, where paragraphs 92, 93, 98, 100, 104, 106 and 112 are particularly relevant.

The County Council would request further detail on the topic suggestions of *'dedicated active travel infrastructure'*, *'safe and secure cycle parking'*, and *'incorporation of green infrastructure in streets'* proposed for inclusion within its Movement Theme. This would enable the County Council to comment how or whether such proposals will positively contribute to the shared ambition for active travel.

Sustainable Buildings

SuDS: The County Council is also pleased to note that the Sustainable Buildings Theme encourages the capturing and reuse of water. KCC would strongly encourage for this to be included in the future DPD and that it be further strengthened to include the use of blue and green infrastructure on the roofs of appropriate proposed buildings. Whilst KCC acknowledges the use of the word adaptation in this section, this could be strengthened by providing clarification within the DPD, as it is unclear if this is in reference to brownfield sites. If it is, 5.2.2 SuDS Policy 2 'Deliver effective drainage design' in the KCC Drainage and Planning Policy Document (2019) (Appendix A) requires that any brownfield site seeks to reduce its surface water run off rate to the equivalent greenfield run off rate, i.e. the rate if the site was simply open space, and if this is not achievable, it should be reduced to a minimum of 50% of the existing sites discharge rate.

Emergency Planning and Resilience: Buildings and wider communities must be resilient to climate change induced severe weather impacts including flooding, storms and extreme heat. The County Council would recommend that new developments in Maidstone utilise renewable energy where possible and would encourage the use of water saving technology and grey water reuse.

Key Sustainable Buildings questions for consideration

What are the most pressing sustainability issues you think should be addressed by new development?

Heritage Conservation: The historic environment has a significant role to play in the conservation of resources required for development, and also in energy efficiency. Old buildings can often be more energy efficient than newer ones and of course have already been built. Thus, it may take fewer overall resources to adapt an old building than to demolish it and build a completely new one. Historic England has produced a range of guidance on the role that heritage can play in mitigating climate change and historic building adaptation, including the [Climate Change Adaptation Report](#) (2016) produced by Historic England. The guidance demonstrates that historic structures, settlements and landscapes can in fact be more resilient in the face of climate change, and more energy efficient than more modern structures and settlements. This has also been updated in the Historic England [There's no Place Like Old Homes: Re-use and Recycle to Reduce Carbon](#) (2019) report produced by Historic England. This could usefully be highlighted in the text which at present suggests that energy efficient housing must only be exhibited by new buildings.

Design Quality

Provision of County Council Community Infrastructure and Services: The County Council supports the objective of promoting quality design in the built environment and actively encourages well designed places that consider and prioritise local context; distinctive identity; coherent built form; high-quality placemaking; intelligent movement and connectivity; sustainable homes and buildings; lifetime use; and preserves natural resources.

Heritage Conservation: The County Council would expect that schemes will only be permitted where the design complements any existing local historic character that the area may have. KCC would also hope that the materials used in the design are appropriate to the existing character, if possible, using locally sourced and traditional materials. Some of these materials are rare, however, and local sources need to be identified and protected, as noted within the [Kent Minerals and Waste Local Plan](#) (2013-2030).

Key Evidence Documents

PRoW: KCC would request that the ROWIP is referenced as key evidence in the Movement Theme but also in the Placemaking, Streets and Buildings, and Open Space and Nature Themes.

General Comments:

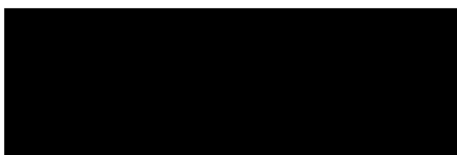
Highways and Transportation: The County Council, as Local Highway Authority would request that any queries relating to parking standards are sent to the County Council Highways and Transportation team¹.

Sport and Recreation: The County Council would welcome clarification of where community buildings and facilities sit within the DPD and to ensure that Sport England's [Active Design Guide](#) and principles are given consideration in this process.

Sport England is currently redeveloping this guidance and KCC would be happy to communicate this with Maidstone Borough Council when it is finalised.

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

Yours sincerely,



Stephanie Holt-Castle
Director for Growth and Communities

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Appendix A: Kent County Council Drainage and Planning Policy Document (2019)

¹ Developmentplanningwest@kent.gov.uk

Historic Environment guidance for Sustainable Drainage Scheme developers

Kent County Council

October 2013

1 Background

This document is intended as background guidance for those developing Sustainable Drainage Schemes. It provides information about the potential impact of SuDS on the historic environment, the range of mitigation measures available and how developers should proceed if their schemes are believed likely to impact on heritage assets.

2 Introduction

The historic environment is critical to the study and understanding of the development of the UK from the distant past to the present. The NPPF defines the historic environment as “All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora”. The NPPF further identifies the historic environment as one of the key material considerations to be taken into account during the planning process and outlines how potential impacts should be considered and mitigated. SuDS should aim to sustain and enhance the historic environment, thus helping to achieve sustainable development as set out in the NPPF.

Some historic environment sites, or ‘heritage assets’ are nationally designated and protected by law. These include World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wrecks and Military Remains, Conservation Areas and Registered Parks and Gardens as well as some prehistoric heritage sites specifically protected under non-heritage designations such as Sites of Special Scientific Interest . Others may not be nationally designated but may be regionally or locally significant. It is also important to note that not all heritage assets are known – many lie as yet un-noticed above the ground or undiscovered beneath it. They are valuable elements in the local historic environment nonetheless.

3 Potential impacts of SUDS on the historic environment.

Sustainable Drainage Schemes (SuDS) have the potential to impact both directly and indirectly on the historic environment. Direct impacts can include damage to known heritage



assets – for example if a historic drainage ditch is widened and deepened as part of SuDS works or if an archaeological site is cut through. Indirect impacts are when the ground conditions are changed by SuDS works, thereby impacting on heritage assets and their settings. For example, using an area for water storage, or improving an area's drainage can change the moisture level in the local environment. Archaeological remains in particular are highly vulnerable to changing moisture levels which can accelerate the decay of organic remains and alter the chemical constituency of the soils. Waterlogged archaeology and palaeo-environmental (relict wetland) deposits are of significant interest and fragility; such sites may be even more vulnerable to changes in the ground conditions than modern wetland habitats (<https://projects.exeter.ac.uk/marew/>). The historic environment interest of wetland areas therefore needs to be considered as carefully as their biodiversity interest. Historic buildings are often more vulnerable than modern buildings to flood damage to their foundations (<https://historicengland.org.uk/advice/technical-advice/flooding-and-historic-buildings/>). However, it is the retro-fitting of SuDS solutions to historic buildings and other heritage assets that are of greatest concern to the historic environment and feasible solutions should be sought, which avoid harm to the significance of the heritage asset or its setting .

4 Avoiding damage to heritage assets during SuDS.

During preparation of the SuDS

When SuDS are planned it is important that the potential impact on the historic environment is fully considered and any unavoidable damage is mitigated. This is best secured by early consideration of the local historic environment following consultation with the Kent Historic Environment Record (HER), Conservation Area Appraisals, Local Heritage Lists, historic characterisation studies, the National Heritage List, the Heritage at Risk Register and by taking relevant expert advice. Kent County Council maintains the County HER and can offer guidance on avoiding damage to the County's heritage. This can avoid additional delays and costs later in the process.

In particular, in assessing direct and indirect effects on heritage assets the following points should be considered:

- Will the scheme avoid harm to, and protect, designated heritage assets including their setting?
- Will the scheme sustain and enhance the historic environment including non-designated heritage assets, palaeo-environmental deposits and areas of potential archaeology?
- Will the scheme alter the hydrological setting of water-dependent heritage assets?
- Will the scheme improve access to or enjoyment of heritage assets and maintain or enhance the character of historic landscapes and settlements?



SuDS planning applications

The local planning authorities will consult Kent County Council's Heritage Conservation team on the likely impact of SuDS on heritage assets except where those impacts are limited to impacts on listed buildings for which local planning authorities have their own conservation advisors and processes. The potential impact on the historic environment could be of concern in relation to two key scenarios:

- a) some solutions, such as the construction of storage features, ponds and wetlands, are likely to require significant ground disturbance which may negatively impact buried archaeological remains
- b) the design and/or finish of permeable paving, swales and drains of redevelopment sites lying within, or within the settings of, heritage assets (e.g., Listed Buildings and Conservation Areas) needs to be considered with reference to the historic context and its significance.

If an impact is anticipated the local planning authority may choose to respond to SuDS applications in a number of ways:

- The application may be refused.
- The application may be granted subject to conditions
- The application may be granted without conditions
- The applicant may be asked to supply additional information

The application is likely to be refused if it impacts negatively on the significance of designated heritage assets. Any works affecting a Scheduled Monument or its setting will need Scheduled Monument Consent from the DCMS via English Heritage in addition to planning permission.

If an applicant is asked to supply additional information this may be in the form of a desk-based assessment, where a qualified expert will gather all available information about the heritage asset and consider the impact of the SuDS on its significance. Additionally, the applicant may be asked to carry out archaeological fieldwork in order to clarify aspects of the heritage asset and enable a decision to be taken on the SuDS application.

During implementation of the SuDS



Although a SuDS application may be granted planning permission, there may nonetheless be significant impacts on heritage assets that need to be mitigated using planning conditions. These can involve:

- Preservation *in-situ*.

The NPPF states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”. Where appropriate, planning conditions will be used to secure the preservation of important heritage assets. This may be achieved by amending the design of the SuDS so that the significance of the assets is not damaged. It is likely that planning conditions requiring preservation *in-situ* will require desk-based assessment and structured archaeological fieldwork or building recording.

- Preservation by record.

Where it is not felt appropriate to preserve the asset *in-situ* the applicant may be required to carry out a programme of archaeological work or building recording. This is a less satisfactory outcome than preservation *in-situ*, however, as it results in at least partial destruction of the asset. It is not therefore an alternative to preservation *in-situ* and the NPPF states that “the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.” The preservation by record programme can take many forms depending on the nature of the asset and the design of the SuDS. This may include desk-based assessment and structured fieldwork or building recording but may only require a watching brief.

It should be noted that all archaeological fieldwork or building recording should be based on a written specification. This will normally be supplied by Kent County Council. It should also be noted that all archaeological fieldwork will require a post-excavation phase that continues after the fieldwork has completed. This can represent a very significant proportion of all project costs, sometimes costing as much as the fieldwork. In addition, all the finds from the fieldwork must be deposited with a appropriate museum or archive centre. Storage charges are likely to be applied.

5 References and sources of information

Department for Communities and Local Government (2012) *National Planning Policy Framework*

English Heritage (2008) *Climate Change and the Historic Environment*.

Heritage at Risk Register (<https://historicengland.org.uk/advice/heritage-at-risk/>)

Kent Historic Environment Record (<http://www.kent.gov.uk/HER>)



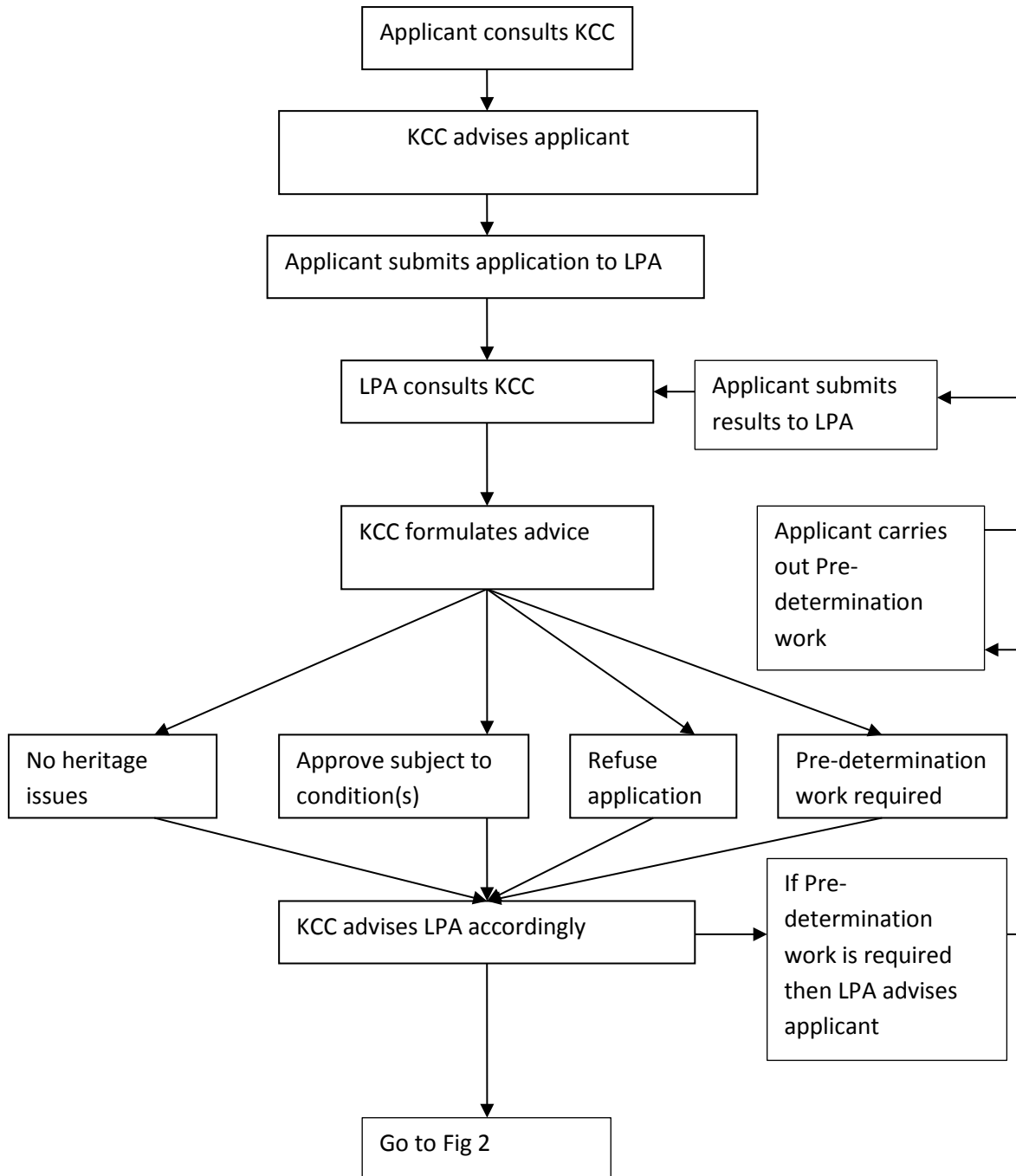


Fig 1 Pre-determination stages of SUDS applications with regards to heritage impacts (other than listed buildings)



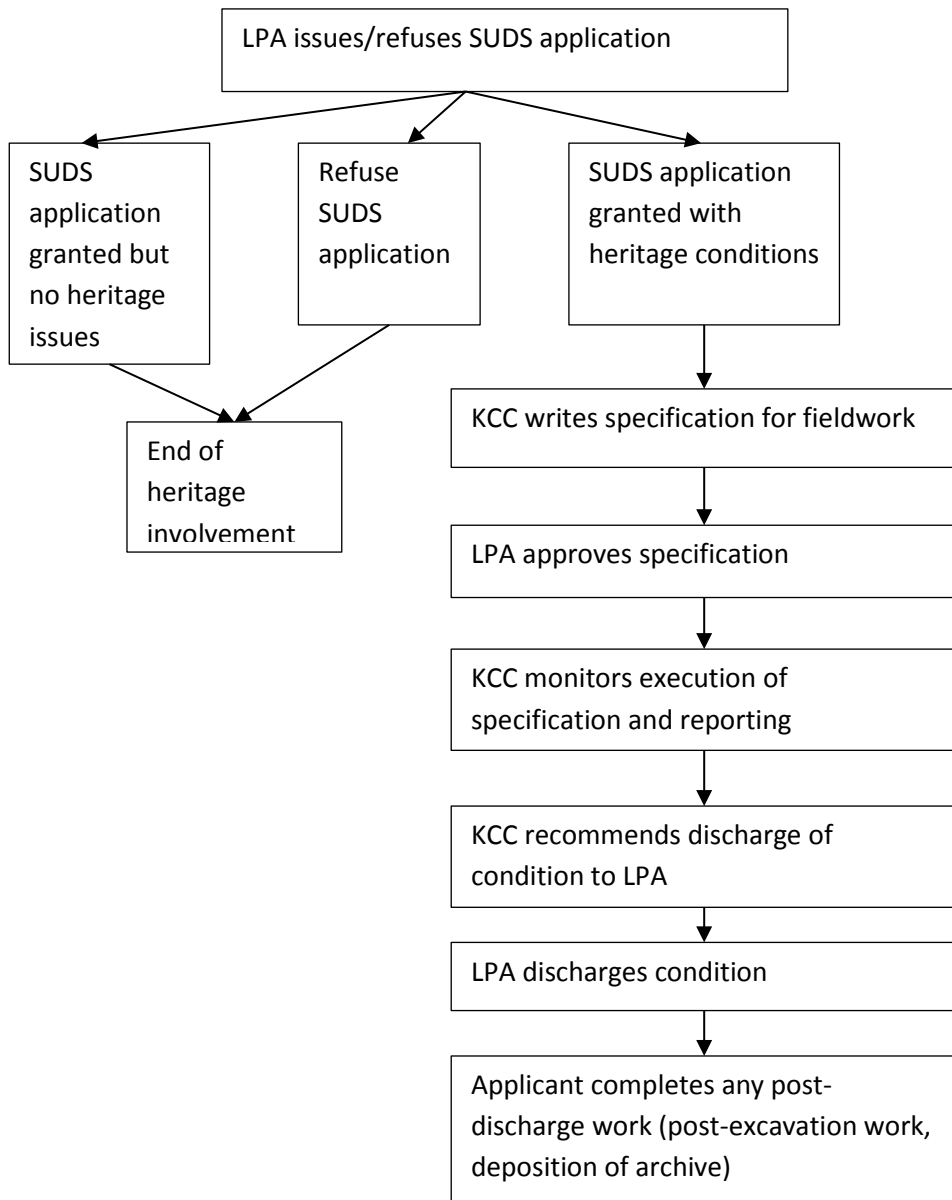


Fig 2. Post-determination stages of SUDS applications with regard to heritage impacts (other than listed buildings)

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BY EMAIL ONLY

26 June 2023

Dear Sir/Madam,

Re: Bridge Neighbourhood Plan (2022-2037) Regulation 16 Consultation

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

Objective A – Building a Strong, Competitive Economy & Ensuring the Vitality of the Village Centre

Policy A1

Highways and Transportation: The County Council, as Local Highway Authority, supports this policy, particularly the provision of vehicle and cycle parking for new business units within the built-up area boundary of the village. The County Council is pleased to note the associated text in paragraph 2.2 which clarifies that this should accord with the standards set out in the Canterbury Local Plan and by the County Council. The intentions of Objective A to support employment opportunities, small-scale business development, and effective internet networks are also welcomed.

Objective B – Promoting Sustainable Transport

Highways and Transportation: The County Council is supportive of this objective as it generally aligns with the County Council's [Local Transport Plan 4](#) and [Active Travel Strategy](#), and promotes the provision of a cycle route between Bridge and Canterbury. It is anticipated that much of this route will be delivered by the development proposals at Land North and South of New Dover Road (Mountfield Park, South Canterbury, Planning Application Reference: CA/16/00600), and that other opportunities to expand the local cycle network will be explored through further development coming forward.

The Neighbourhood Plan mentions car parking problems and congestion in the village; it also suggests seeking to increase the amount of parking spaces in the High Street. As Local Highway Authority, the County Council considers that this may be at odds with the aim of reducing congestion, as referenced in paragraph 2.5, with further on-street parking likely to reduce the ability to maintain free flow traffic. Paragraph 3.7 discusses the shortage of available parking and compelling employers to encourage staff to use alternative parking, which supports Objective A rather than Objective B. The Neighbourhood Plan could consider the introduction of limited waiting within the on-street parking lengths to help manage this.

Policy B1

Highways and Transportation: The County Council supports this policy as it promotes sustainable transport in new developments through the local cycle network and pedestrian routes.

Policy B2

Highways and Transportation: This policy is in alignment with Canterbury City Council and the County Council parking standards, and is therefore welcomed.

Objective C – To Maintain a Choice of High-Quality Homes with Good Design

Policy C1

Highways and Transportation: The County Council is supportive of this policy, particularly paragraph (b) which describes careful consideration of the scale, design and materials of the public realm (highways, footways, open space and landscape). This will ensure quality design and placemaking in new developments.

Policy C2

Highways and Transportation: The County Council notes that the appendices were not initially available at the time the Neighbourhood Plan was submitted, although they have since been made available online. The principles outlined in this policy are supported by the County Council, however, the drawings provided in Appendix E should be taken as an indicative layout only, as it is appreciated that detail will be subject to planning approval. It is noted that the drawing shows the housing development gated to restrict public access. This

would prevent the development from being adopted by the Local Highway Authority and will require a turning head to be provided within the adoptable highway limits. The County Council would therefore recommend that the development is not gated.

The abbreviation for 'Strategic Environmental Assessment' has been defined in paragraph 4.21, however, this has not been provided in the Glossary at the end of the document. The County Council would therefore recommend that this is included to provide clarity to all those reading the document.

Policy C3

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, is supportive of Policy C3 but would note that it is only partially published. The last section of content within the text box cannot be viewed in its entirety and the Neighbourhood Planning Committee is advised to address this.

Objective D - Promoting Healthy Communities

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure that its interests are represented within the local policy frameworks of the parishes/towns in Kent. The County Council is committed to working in partnership with the Neighbourhood Planning Committee to achieve the aims contained within the [KCC Rights of Way Improvement Plan](#) (ROWIP).

It is disappointing that the Neighbourhood Plan makes little reference to the PRoW network and no reference to the KCC ROWIP, further to the County Council's previous response to the Regulation 14 consultation. The Neighbourhood Planning Committee is strongly advised to ensure that reference to the ROWIP is included to enable successful joint partnership working to continue, which can support the delivery of improvements to the PRoW network. The County Council would also draw attention to the ROWIP key themes 'Evolution of the network' - EN04, 'Rights with responsibilities' - RR01 and 'Efficient delivery' - ED02. Joint delivery of the strategic plan will ensure significant benefits, as well as potential access to funding opportunities ('Efficient delivery' - ED07).

A recent example of such funding opportunities is the Highland Court Farm Chapel Down expansion (Planning Application Reference: CA/22/02055) – the County Council has secured Section 106 funding for PRoW network improvements to the extensive Bridleway network of the area which will result in improved off road walking, cycling and equestrian routes for both active travel and leisure purposes. The connections to and from Bridge and the industrial area as well as towards Bokesbourne station will be improved. These works will complement on-site improvements to be completed by the developer during construction.

Funding through developer contributions for off-site network improvements has also been secured through the development at Land North and South of New Dover Road (Mountfield Park, South Canterbury, Planning Application Reference: CA/16/00600) for routes into Canterbury, with a new bridleway being created for active travel and leisure use.

The County Council would encourage that reference is made to the PRoW network in Objective D to ensure that opportunities through development can be maximised for PRoW.

The County Council would recommend that the Neighbourhood Plan includes a PRoW Definitive Map, which is available upon request¹.

Objective E - Meeting the Challenges of Climate Change and Flooding and Conserving and Enhancing the Natural Environment

SuDS: The County Council acknowledges the intention of Objective E to minimise vulnerability and provide resilience, and the subsequent statement made in paragraph 6.5 regarding the Neighbourhood Plan area: *“The risk identified is so great that no development will be supported in Flood Zone 3.”* The Neighbourhood Planning Committee may wish to consider this with regard to the requirements of the Exception and Sequential Tests as set out in the National Planning Policy Framework, which (subject to passing these tests) permits development in Flood Zone 3. The County Council would therefore advise that the wording of this policy is amended for consistency with national planning policy.

Objective F - Conserving and Enhancing the Historic Environment

Heritage Conservation: In respect of paragraph 7.1, the text understates the historic character of Bridge parish. The [Kent Historic Environment Record](#) lists more than 130 known heritage sites, buildings and discoveries in the parish. These include 43 listed buildings (not 63, as stated) of which two are Grade II* and 41 Grade II. There are also at least thirteen Locally Listed Buildings that do not have statutory protection, but which have been identified by Canterbury City Council as having a particular significance and contribute to local character. These include medieval buildings such as St Peter’s Church, the Red Lion, White Horse and domestic buildings on the High Street together with a larger number of post-medieval buildings and an oast house. Together, these buildings give Bridge a particularly historic character as reflected in the Conservation Areas that cover about half the parish.

In respect of paragraph 7.5, in addition to its built heritage, Bridge has a very significant archaeological heritage dating from prehistory to the 20th century.

Although there is some potential for Palaeolithic archaeology in the parish, the most striking prehistoric features are likely to be found in the extensive cropmarks that can be seen from aerial photography alongside the road, to both north and south of the village. In the north, these include a set of trackways and enclosures found along Station Road. These are mostly undated but many will be of prehistoric origin. Among these features was found a late iron age helmet that had been used as a cremation vessel.

As the text rightly notes, the main archaeological feature in Bridge is the Canterbury to Dover Roman road, Watling Street, that passes along the High Street through the middle of the village. Archaeological remains associated with the use of the road may lie alongside, and to

¹ prow@kent.gov.uk

the south of the village. Bourne Park, though not covered by the Neighbourhood Plan, contains numerous cropmarks associated with Bourne Park Roman villa and some of these extend into the Neighbourhood Plan area. The most significant archaeological site in the Neighbourhood Plan area is the Scheduled Monument of the Saxon Barrow Cemetery at Hanging Hill. In 1771, there were estimated to be more than 100 barrows on Hanging Hill. Most have now been ploughed away but archaeological remains will still survive within the Scheduled area and probably outside it too. To the east of Bridge Hill, between the road and the A2, cropmarks associated with Second World War practice trenches and perhaps earlier features can also still be seen. These should all be recognised in the Neighbourhood Plan.

The final feature of note in the Neighbourhood Plan area is the dismantled railway that passes through the west of the Parish.

This rich and diverse heritage has the potential to enhance life in Bridge for the duration of the Neighbourhood Plan in a number of ways. It is not clear whether the Conservation Areas in Bridge are supported by Conservation Area Appraisals. If not, then the community could help with this process by gathering information about the historic structures and layout of the Conservation Areas. This would also provide an opportunity to review the extent of the Conservation Areas and identify ways in which their character can be enhanced. The dismantled railway could be used as a community resource for walking trails and to provide views of the landscape. This would allow this heritage asset to contribute to the health and well-being of local people. The archaeological heritage of the Neighbourhood Plan area lends itself to a range of community activities such as study groups, trails and interpretation. This would help put the village in its historic and landscape context and therefore help integrate any new development into its surroundings more effectively. This could include a [Historic Landscape Characterisation](#) of the Parish which would help identify surviving historic features such as hedgerows, assarts, field boundaries, tracks and lanes.

Historic England has produced [guidance](#) for communities developing Neighbourhood Plans and the County Council would advise that this is taken into consideration by the Neighbourhood Planning Committee to help assess the usefulness of various tools that have proved valuable to those developing Neighbourhood Plans. In particular:

- Historic characterisation - this helps provide a general context for the policies of the Neighbourhood Plan, provide evidence for more detailed landscape, environment and heritage policies, and provide a means to evaluate potential development sites/locations in Bridge.
- Conservation Area Appraisals - a Conservation Area Appraisal is an objective analysis of the elements which together define the area's special architectural or historic interest.
- Design Policies for local areas - design policies can provide robust design principles for applicants and decision makers to guide proposals in each area. Matters covered include the suitability of particular materials, set-back of buildings from road frontages, boundary treatments and the desired scale and form of new buildings. Similar requirements can be set out for individual site allocations.
- Identification of local heritage assets - plan developers can focus on local heritage assets and identify certain buildings, boundary walls and other structures as being

worthy of protection as non-designated heritage assets due to the important contribution that they make to the distinctive local character of the parish. Canterbury City Council has a Local List of heritage assets, and it would be advisable to take advantage of this.

Policy F1

Heritage Conservation: The County Council notes that successful development is sympathetic to both the character and the heritage of the area in which it is built. In addition to complying with the Village Design Statement, the policy could require that new development enhances the character and heritage of Bridge, and that existing historic tracks and lanes should be respected where possible to help the new development work with the historic grain of the existing buildings and landscape.

Projects allied to the Policies contained within this Neighbourhood Plan

Projects B1 to B5

Highways and Transportation: The County Council supports the projects listed, which aim to promote safe and sustainable transport, and improve air quality.

Additional Comments

Highways and Transportation: The County Council notes that the document makes reference to the adopted [Canterbury Local Plan](#) (2017-2031), and quotes the policies within that to be cross-referenced to those proposed in this Neighbourhood Plan. Whilst the document also acknowledges that Canterbury City Council will be updating the Local Plan in due course, it may be appropriate for the Neighbourhood Plan to acknowledge this and give weight to the emerging Local Plan.

As previously mentioned, Appendices A to F were not initially available to view at the time that the Neighbourhood Plan was submitted. It has not been possible, therefore, to fully cross reference the information purported to be contained within these appendices.

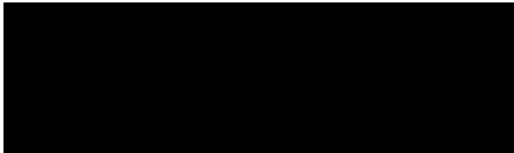
Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, recognises that reference has not been made to the safeguarded land-won minerals (River Terrace Deposits, Sub-Alluvial River Terrace Deposits and Brickearth) in the Neighbourhood Plan area. Therefore, the County Council's previous comments made in respect of the Regulation 14 consultation remain applicable (Appendix A).

The County Council notes that allocated development sites are only exempt from mineral safeguarding considerations if this has been successfully addressed in the formulation of the adopted Canterbury Local Plan. As no sites are considered to be exempt, a Mineral Safeguarding Assessment is required for the relevant development sites in the Neighbourhood Plan area that are coincident with safeguarded minerals. This is a policy

requirement of the adopted Development Plan for the area, including the adopted [Kent Minerals and Waste Local Plan](#) 2013-2030.

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,



Stephanie Holt-Castle
Director for Growth and Communities

Encs:

Appendix A: 29.04.22 KCC Response to Bridge Neighbourhood Plan Regulation 14 Consultation

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Jennifer Heap
Clerk, Bridge Parish Council
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BY EMAIL ONLY

29 April 2022

Dear Jennifer Heap,

Re: Bridge Neighbourhood Plan - Regulation 14 Consultation

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

Objectives

Objective A. Building a Strong, Competitive Economy & Ensuring the Vitality of the Village Centre

Policy A1

Culture and Creative Economy: Alongside the consideration of the provision of vehicle parking and cycle parking for new business uses within Bridge, the County Council would also recommend consideration of the accessibility of new business uses by public transport to ensure sustainable connectivity of these sites for employees.

Objective B. Promoting Sustainable Transport

Policies B1 and B2

Highways and Transportation: The County Council, as Local Highway Authority, is supportive of Policies B1 and B2, along with the intentions of Objective B, which generally accord with the County Council's Local Transport Plan 4 ([LTP4](#)) and [Active Travel Strategy](#). KCC will

continue to work on the facilitation of a dedicated cycle route between Bridge and Canterbury through development opportunities at Mountfield Park and any other opportunities that may arise.

It is also recognised that Bridge Parish Council are actively engaged with KCC officers through the Highway Improvement Plan (HIP) process with regards to investigations about a 20mph speed limit within the village.

Objective C. To Maintain a Choice of High-Quality Homes with Good Design

County Council Community and Infrastructure Services: The County Council, as key infrastructure and service provider, would welcome further engagement with Bridge Parish Council to discuss infrastructure requirements as any new development comes forward.

Culture and Creative Economy: In relation to paragraph 4.18, KCC would also welcome exploration as to how the new village hall could also be designed to accommodate creative and cultural activity.

Policy C3

Culture and Creative Economy: At Great Pett Farm, KCC recommends there could also be the exploration of the conversion of farm buildings for appropriate employment use, as well as residential housing.

Objective D. Promoting Healthy Communities

Culture and Creative Economy: Alongside the provision of leisure and community facilities to serve the village, the County Council also recommends the provision of facilities that can accommodate creative and cultural activity, which can address social isolation and loneliness; anti-social behaviour by providing alternative activity; creative activity for young people and promote social cohesion. This would also support [Canterbury Local Plan](#) policies QL1 and QL3, contributing to quality of life. This could include a broad range of activity including touring theatre, craft classes, community choirs, knitting groups and should complement, without duplicating, the offer in Canterbury.

Policy D1

Public Rights of Way (PRoW): The County Council welcomes future engagement with the Parish Council to ensure that their interests are represented within the local planning policy frameworks. Whilst the County Council recognises that the maintenance of public footpaths is largely supported in paragraph 5.8, KCC is concerned that little further reference is made to the PRoW network. KCC would welcome future engagement with the Parish Council to ensure the Neighbourhood Plan makes that reference to the Rights of Way Improvement Plan (ROWIP). KCC is committed to working in partnership with the Parish Council to achieve the aims contained within the ROWIP and seeks successful joint partnership working to continue to support the delivery of improvements to the PRoW network. KCC would also draw attention to the ROWIP key themes 'Evolution of the network' - EN04, 'Rights with responsibilities' - RR01 and 'Efficient delivery' - ED02. Joint delivery of the strategic plan will

ensure significant benefits, as well as potential access to funding opportunities ('Efficient delivery' - ED07).

In respect of PRow and access to green space, the County Council requests that the Neighbourhood Plan emphasises the importance of new developments providing sustainable connectivity to services, facilities and public transport. The importance of that new provision integrating with the existing PRow network, and supporting the improvement of the existing network, must also be emphasised within this policy.

Development must deliver public realm that is safe, secure and of high amenity, encouraging the public to walk, cycle and spend time outside, which all deliver positive health and wellbeing outcomes. The County Council would recommend that the Neighbourhood Plan incorporates the need to involve KCC's Rights of Way and Access Service in the delivery of Active Travel opportunities.

Consideration should also be had for the quality of the environment which is equally as important as the construction of Active Travel routes.

Objective E. Meeting the Challenges of Climate Change and Flooding and Conserving and Enhancing the Natural Environment

Policy E1

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, welcomes the inclusion of the flood risk policy and reference to SuDS within the Neighbourhood Plan.

Biodiversity: The County Council would request that further consideration is given to biodiversity within the Neighbourhood Plan, specifically to enhancements to open space and promoting the inclusion of ecological enhancements within new developments.

Objective F. Conserving and Enhancing the Historic Environment

Heritage Conservation: The County Council notes that paragraph 7.1 in the Neighbourhood Plan does not fully take account of the historic character of Bridge parish. The Kent Historic Environment Record lists more than 130 known heritage sites, buildings and discoveries in the parish. These include 43 listed buildings (not 63 as stated) of which 2 are Grade II* and 41 Grade II. There are also at least 13 Locally Listed Buildings that do not have statutory protection, but which have been identified by Canterbury City Council as having a particular significance, and that contribute to local character. These include medieval buildings such as St Peter's Church, the Red Lion, White Horse and domestic buildings on the High Street together with a larger number of post-medieval buildings and an oast house. Together these buildings give Bridge a particularly historic character as reflected in the Conservation Areas that cover about half the parish.

Policy F1

Heritage Conservation: It should be noted that successful development is that which is sympathetic to both the character and the heritage of the area in which it is built. In addition to complying with the Village Design Statement, the policy should require that new development enhances the character and heritage of Bridge. Existing historic tracks and lanes should be respected, where possible, to help new development integrate within the historic grain of the existing buildings and landscape.

Paragraph 7.5

In addition to its built heritage, KCC notes that Bridge has a very significant archaeological heritage dating from prehistoric to the 20th century. Although there is some potential for Palaeolithic archaeology in the parish, the most striking prehistoric features are likely to be found in the extensive cropmarks that can be seen from aerial photography across Bridge. Alongside the road, to both north and south of the village, lie extensive archaeological remains. In the north, these include a set of trackways and enclosures found along Station Road. These are mostly undated, but many will be of prehistoric origin.

As the text rightly notes, the main archaeological feature in Bridge is the Canterbury to Dover Roman road, Watling Street, that passes along the High Street through the middle of the village. Archaeological remains associated with the use of the road may lie alongside and to the south of the village, Bourne Park. Although it is not covered by the Neighbourhood Plan, this park contains numerous cropmarks associated with Bourne Park Roman villa and some of these extend into the Neighbourhood Plan area. The most significant archaeological site in the Plan area is the Scheduled Monument of the Saxon Barrow Cemetery at Hanging Hill. In 1771, there were estimated to be more than 100 barrows on Hanging Hill. Most have now been ploughed away, but archaeological remains will still survive within the Scheduled area and likely outside it too. To the east of Bridge Hill, between the road and the A2, cropmarks associated with Second World War practice trenches and perhaps earlier features can also still be seen.

The final feature of note in the Neighbourhood Plan area is the dismantled railway that passes through the west of the Parish.

Moreover, this rich and diverse heritage has the potential to enhance life in Bridge for the duration of the Neighbourhood Plan in a number of ways. The County Council would request that clarification is provided regarding whether the Conservation Areas in Bridge are supported by Conservation Area Appraisals. If they are not, the community could help with this process by gathering information about the historic structures and layout of the Conservation Areas. This would also provide an opportunity to review the extent of the Conservation Areas and identify ways in which their character can be enhanced. KCC also recommends that the dismantled railway could be used as a community resource for walking trails and to provide views of the landscape. This would allow this heritage asset to contribute to the health and well-being of local people. The archaeological heritage of the Neighbourhood Plan area does also lend itself to a range of community activities - such as study groups, trails and interpretation. This would help to recognise the historic and landscape context of the village and thereby help integrate any new development into its

surroundings more effectively. This could include a historic landscape characterisation of the Parish which would help identify surviving historic features such as hedgerows, assarts, field boundaries, tracks and lanes.

Historic England has produced [guidance](#) for communities developing Neighbourhood Plans. Consideration of this guidance would help to assess the usefulness of various tools that have proved valuable to those developing Neighbourhood Plans. In particular, historic characterisation, Conservation Area Appraisals, design policies for local areas and the identification of local heritage assets.

Projects allied to the Policies contained within this Neighbourhood Plan

Objective A

Project A1

Culture and Creative Economy: KCC recommends that consideration could also be had for a physical hub, which could provide essential services (flexible desk space, access to technology and equipment), and a place for workers to meet and collaborate to support freelancers and homeworkers.

Project A2

Culture and Creative Economy: To support the presence of the Post Office within the village, the potential to co-locate with other services or businesses could be explored.

Objective D

Project D1

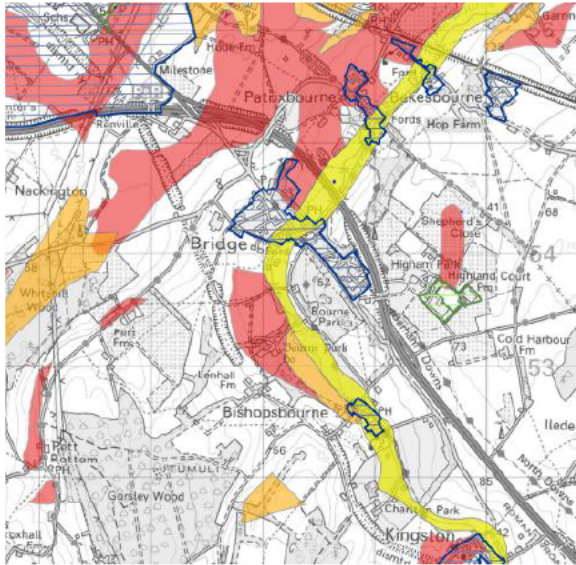
Culture and Creative Economy: The County Council would also recommend that cultural facilities are also maintained to serve the village.

Canterbury District Local Plan 2017 Policies

Chapter 2 – Housing

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, can confirm that the Neighbourhood Plan does not have within it, nor is it within, 250 metres of any safeguarded mineral facility or waste facility. Therefore, the Neighbourhood Plan does not need to be considered against any of the minerals and waste safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted [Kent Minerals and Waste Local Plan 2013-30](#).

However, the Neighbourhood Plan area is within an area where mineral deposits are identified as safeguarded and form part of a Mineral Safeguarding Area (MSA). KCC would draw attention to the MSA Proposals Map for the Canterbury City Council area below:



- River Terrace Deposits
- Sub - Alluvial River Terrace Deposits
- Brickearth (Other Areas) - Ashford, Canterbury, Dover, Shepway

KCC notes that the Neighbourhood Plan proposes further development in alignment with the policies and allocations in Chapter 2 of the Canterbury District Local Plan 2017. Therefore, it is recommended that the Neighbourhood Plan makes reference to the requirement for a Mineral Assessment (MA) for any planning applications that are submitted on any of the allocations of the adopted Local Plan in the Neighbourhood Plan area. This is necessary where MAs have not been completed during the allocation’s formulation in the 2017 Local Plan for the Canterbury City Council area.

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,



Stephanie Holt-Castle
 Director for Growth and Communities



Growth and Communities

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BY EMAIL ONLY

6 July 2023

Dear Sir / Madam

Re: Dover District Local Plan 2040 – Sustainability Appraisal Consultation

Thank you for consulting Kent County Council (the County Council) on the Sustainability Appraisal Non-Technical Summary (NTS) and the Sustainability Appraisal Addendum and ERRATA Sheet II.

The County Council has reviewed the consultation documents and for ease of reference, has provided comments structured under the relevant chapter headings used within the Sustainability Appraisal NTS and the Sustainability Appraisal Addendum and ERRATA Sheet II.

Sustainability Appraisal Non-Technical Summary

Publication Local Plan SA

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure that its interests are represented within the local policy frameworks of the districts and boroughs in Kent. The County Council is committed to working in partnership with local councils to achieve the aims contained within the [KCC Rights of Way Improvement Plan 2018-2028](#) (ROWIP). As Local Highway Authority, KCC aims to promote the protection and enhancement of the PRoW network and National Trails, and experience shows that local planning policy support is mutually beneficial in both protecting the network and negotiating enhancements to it through new development.

The County Council supports the Sustainability Appraisal NTS and welcomes the references made to reflect the significance of walking, cycling and active travel to achieve the district's objectives. However, the County Council recommends that there is greater specific inclusion of the area's current PRoW network asset in the Transport and Infrastructure Policy Appraisals section of the document. The document should also reflect that investment in

existing routes for sustainable transport, sustainable tourism, health, protection and enhancement of community assets, and landscape character is of economic benefit to the district and county, rather than encouraging the creation of new routes.

Sustainability Appraisal Addendum and ERRATA Sheet II

Biodiversity: The County Council recognises that changes have been made to the Habitat Regulations Assessment (HRA) following advice from Natural England. The changes have resulted in a number of site allocation policies being removed from the HRA; however, they have not changed the overall conclusions. The County Council is therefore satisfied that the conclusions of the HRA are still valid.

The County Council would welcome continued engagement with Dover District Council on the matters raised in this response. If you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely



Simon Jones
Corporate Director, Growth, Environment and Transport



Growth and Communities

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BY EMAIL ONLY

10 July 2023

Dear Peter,

Re: Aldington and Bonnington Draft Neighbourhood Plan – Regulation 14 Consultation

Thank you for consulting Kent County Council (hereby referred to as the ‘County Council’) on the Aldington and Bonnington Neighbourhood Plan in accordance with the Neighbourhood Planning (General) Regulations 2012. The County Council has reviewed the Neighbourhood Plan and sets out its comments below, following the order of the consultation document.

1. Introduction

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure that in respect of PRoW, its interests are represented within the local policy frameworks of the Parishes in Kent. The County Council is committed to working in partnership with Parish Councils to achieve the aims contained within the [County Council Rights of Way Improvement Plan](#) (ROWIP). This aims to provide a high-quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

Although largely supported, the draft Neighbourhood Plan makes no reference to the County Council’s ROWIP. The County Council strongly advises the Parish Council to ensure that reference to the ROWIP is referred to within the Neighbourhood Plan and included within the Evidence Documents. This will enable successful partnership working to continue and deliver improvements to the PRoW network in the parish. Joint delivery of this strategic plan will ensure significant benefits and assist in securing access to additional funding opportunities, particularly through development contributions.

Throughout the Neighbourhood Plan, where there is reference to Active Travel and walking and cycling opportunities, it is requested that the PRoW network should be specifically referenced. Investment in existing routes with existing rights, rather than the creation of new

routes, is of both an economic and community benefit. The PRow network should therefore be specifically referenced within the following policies: AB4, AB6, AB8, AB10, AB12 and AB15.

2. About Aldington and Bonnington

PRow: The County Council recommends that reference should be made in this section to the dense PRow network within the parish comprising Public Footpaths, Bridleways and Byways. Reference should also be made to the existence of the North Downs Way National Trail within the parish.

4. The Rural Environment

Policy AB1: Green and blue infrastructure and delivering biodiversity net gain

Biodiversity: The County Council recommends that the Parish Council expands on the details within the policies in this chapter. For example, Policy AB1 refers to Biodiversity Net Gain of at least 20%, but it does not state what types of development are required to achieve it. Any policy for Biodiversity Net Gain should follow the Environment Act 2021 including the type of developments which need to demonstrate Biodiversity Net Gain. If the policy just states 'development', it implies that all development needs to achieve Biodiversity Net Gain and that could include development such as porches and single storey extensions.

The Neighbourhood Plan must be clear by what is meant by "biodiversity credits" – for example, does it relate to purchasing Biodiversity Net Gain credits from a third party provider within the county or from the National Register.

Sustainable Urban Drainage Systems: The County Council, as Lead Local Flood Authority, notes that there is no consideration of drainage infrastructure or surface water management from a flood risk aspect. If growth or extension to the current urban area is to be accommodated, then it is important that any potential impact on drainage infrastructure is appropriately mitigated.

The County Council would recommend that a section is included within Policy AB1 with respect to green and blue infrastructure. This policy could consider how this infrastructure should be provided and include specification on how sustainable drainage should be implemented within any new development. Good practice supports drainage which is integrated within open space, at the surface and which provides multi-functional space. This is supported in the [National Planning Policy Framework](#) (NPPF) which promotes drainage systems which are multi-functional. For example, biodiversity, landscape and amenity benefits can be provided through surface pond systems rather than below the ground rate attenuation.

Policy AB2: Managing the environmental impact of development

Biodiversity: As the County Council understands, the policy is intended to require the submission of an Ecological Impact Assessment with any planning application to ensure the impact of a proposal is understood – this should be clarified within policy.

The County Council would also draw attention to the following statements, with suggestions for the types of amendments which should be considered throughout the policy.

“Fauna:

v. The provision of hedgehog holes in new residential fencing ~~will be supported.~~

vi. Development proposals that provide bird and bat nesting-boxes ~~will be supported.~~

vii. The provision of wildlife-friendly communal green spaces within new major developments ~~will be supported.~~ Conformity reference: NP Objectives: 1, 2; ABC L”

Whilst the County Council does agree with these statements, the County Council does not agree to the reference to “will be supported” as each of these matters will need to be taken into consideration when assessing the ecological impacts of the proposal. For example, the County Council would not wish to see a Neighbourhood Plan support the inclusion of bird boxes when a development could have a negative impact on breeding birds. The County Council would also recommend that the policy requires integrated features rather than boxes.

7. Transport and Movement

Policy AB12: Sustainable travel

Highways and Transportation: The County Council, as Local Highway Authority, supports the aims and objectives of this policy as it is in line with the NPPF and the County Council’s [Local Transport Plan 4: Delivering Growth Without Gridlock](#).

PRoW: The County Council advises the Parish Council that it is the Local Highway Authority for all PRoW issues.

It is recommended that reference to the ROWIP within Policy AB12 may be beneficial where investment in PRoW routes is sought through development.

The County Council supports paragraph 7.3 in respect of the consideration of Public Bridleways, although would recommend that the Parish Council refers to the ROWIP which addresses the majority of the points raised within this paragraph regarding what can be achieved through improvement planning.

Furthermore, paragraph 7.5 should make reference to the role that the PRoW networks have in Active Travel.

The County Council would also draw the Parish Council's attention to NPPF paragraphs 100 and 104.

The County Council advises that reference and consideration of these policies within the NPPF will meet the objectives 1,3,4,5 and 6 of the Plan and should therefore be included.

AB13: Public Car Parking

Highways and Transportation: The County Council, as Local Highway Authority, supports the aims and objectives of this policy.

10. Infrastructure Improvements and Provision

PRoW: The County Council would again express the need for reference to the ROWIP to assist in securing development contributions for PRoW improvements. The PRoW network must be included (as part of the Highway network) within the Parish Highway Improvement Plan in order to achieve the aims of the County Council and the Parish, and to ensure a holistic approach is taken across the area as a whole.

13. List of Evidence Documents

PRoW: The ROWIP should be referenced within this section as it is a statutory policy document setting out a strategic approach for the protection and enhancement of PRoW.

Appendix D – Potential Improvements to the Public Rights of Way.

Highways and Transportation: The Goldwell Lane/Calleywell Lane circuit – it would not be appropriate to make these roads one way or have a 20mph speed limit due to the rural nature of these roads and the fact that any speed limit reductions have to meet the criteria in Setting Local Speed Limits (which a 20mph zone would not do). This proposal should therefore be removed from the project list as it will not be supported by the County Council, as Local Highway Authority.

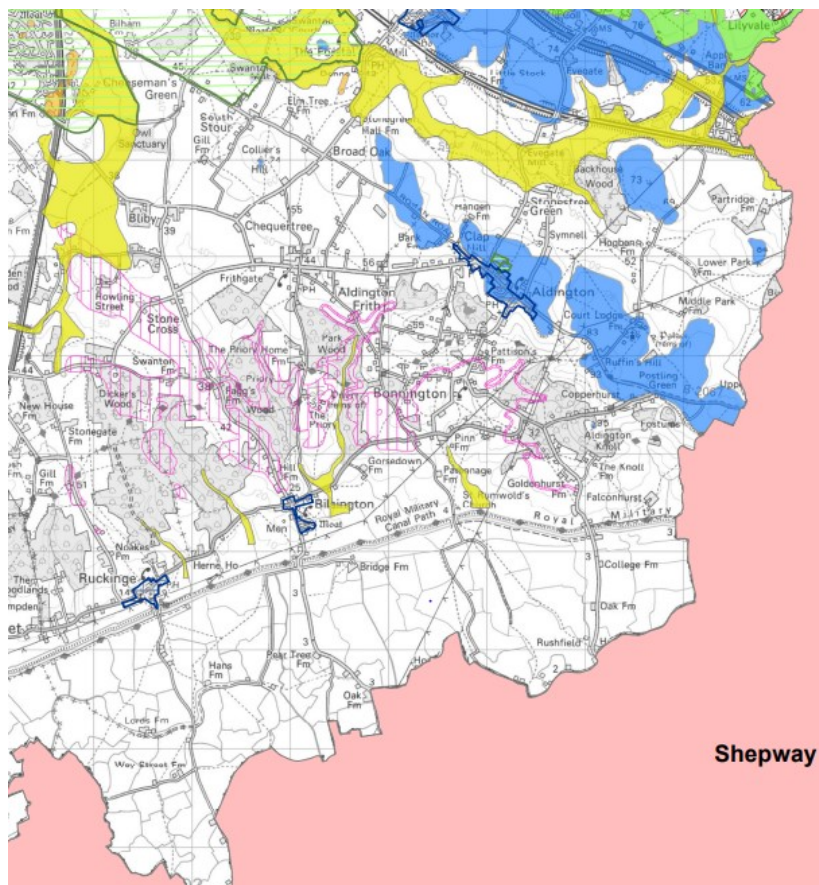
PRoW: The County Council would strongly advise the Parish Council to engage with the County Council, as Local Highway Authority, for up to date information and data in respect of the PRoW network. Some of these proposals are identified to come forward through development and 4 and 5 are currently in discussion.

The scale of costings suggested should also be discussed as part of drawing together full proposals to enable delivery of these schemes.

Additional Commentary

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, can confirm that the Neighbourhood Plan area has no safeguarded minerals or waste management facilities. Therefore, development within the Neighbourhood Plan area would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted [Kent Minerals and Waste Local Plan 2013-30 \(Early Partial Review 2020\)](#).

With regard to land-won minerals safeguarding matters, there are three types of safeguarded land-won minerals in the Neighbourhood Plan area, as shown below from an extract of the Ashford Borough Council Mineral Safeguarding Map within the adopted Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review 2020).



-  Sub - Alluvial River Terrace Deposits
-  Limestone - Pauldina Limestone, Weald Clay Formation
-  Limestone Hythe Formation (Kentish Ragstone)

The Neighbourhood Plan is silent on safeguarded land-won minerals, though the existence of the adopted Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review 2020) is acknowledged. As the Neighbourhood Plan does not propose further residential development, any consideration of how to prevent the sterilisation of land-won mineral resources within its area is not required through the Neighbourhood Plan. However, it is recommended that the Neighbourhood Plan demonstrates that land-won mineral safeguarding is a planning constraint within the Neighbourhood Plan area. The Parish Council is advised that any development proposed that coincides with any of the three safeguarded land-won minerals, will require a Minerals Assessment to address potential needless sterilisation that may occur. The County Council would therefore ask that this be reflected in the Plan.

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

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

Yours sincerely,



Simon Jones

Corporate Director of Growth, Environment and Transport



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01 August 2023

Dear Annabel,

Re: Outline application with all matters reserved except access for a proposed development at Land on the North East Side of Nash Road, Margate, Kent [Planning Application reference: OL/TH/23/0685]

Thank you for consulting Kent County Council (the County Council) on the outline planning application (all matters reserved except access) for the development at Land on the North East Side of Nash Road, Margate, Kent (known as Humber's Mill, Westwood). This application is for the erection of up to 1,461 residential units; a two form entry primary school; a mixed use centre; associated infrastructure including provision of a new strategic link road along Nash Road including demolition of buildings, alterations to existing junctions from Nash Road and Manston Court Road; and green infrastructure including public open space and associated facilities, landscaping, formal and informal play areas, utilities (including drainage), and associated ancillary works and structures including access.

In summary, and in considering the application as it currently stands, the County Council raises a **holding objection** on the following grounds:

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, raises a holding objection on waste management and mineral products facility safeguarding grounds in accordance with Policy CSW 16: Safeguarding of Existing Waste Management Facilities. An Infrastructure Assessment is required to be prepared, to the satisfaction of the Minerals and Waste Planning Authority, which would need to address the exemption requirements of Policy DM 8 Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan.

Public Rights of Way (PRoW): The County Council raises a holding objection in respect of PRoW. The proposed development will transform the character of the area and would have a significant impact on the PRoW network, causing disruption to path users during the construction period and affecting the experience of path users once complete. Insufficient weight is currently given to the overall PRoW network in terms of mitigation, particularly given the strategic links through the site and onward connectivity, together with the long term direct impact on the network. This must be addressed by the applicant to the satisfaction of the County Council as Local Highway Authority. There are also some areas where there is an omission of the PRoW network within the application documents, which require amendment.

The County Council's response:

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

Highways and Transportation

Transport Assessment

Background

Paragraph 1.1.2: The County Council, as Local Highway Authority, notes that there has been a slight uplift in proposed housing numbers on this site to 1,461 dwellings, from the Thanet Local Plan allocation for 1,450 dwellings. This is unlikely to make a material difference to the County Council's evaluation of the Transport Assessment, which has modelled 1,475 dwellings. This uplift may, however, warrant another review of this site's proportionate contribution to the Inner Circuit Route (ICR) Improvement Strategy (ICRIS).

Comments on the Framework Travel Plan document are made separately in this response.

Local Plan Allocation

Paragraph 1.4.2: This section does not specify the widening of Nash Road, which is an identified Strategic Route for delivery in the current adopted Thanet Local Plan, forming part of the ICRIS, as detailed in the Thanet Transport Strategy (TTS). Policy SP18 of the adopted Local Plan specifically states that development proposals should include: "*5) highway improvements including widening of Nash Road and links to Nash Road and Manston Road, to local distributor standard between the southern extent of the site and Star Lane*".

Thanet District Transport Strategy 2015-2031

Paragraphs 2.3.8-2.3.16: It is again noted that this section does not make reference to wording in the TTS in relation to the widening of Nash Road on its existing alignment to Local Distributor standard, as per the following extracts of the TTS:

"TTS 8.2.6 - Situated alongside the existing Nash Road corridor, this site provides a natural extension to consented development at Land North of Haine Road. There is opportunity to upgrade the existing Nash Road corridor, which in turn will provide a tangible alternative to the congested A254 Road corridor for Margate to Westwood bound trips. There is further

potential to better link Westwood Industrial Estate to the wider highway network and enhance pedestrian and cycle access.

TTS 9.3.16 - Land is also allocated along Nash Road (1450 dwellings) which is perfectly placed to accommodate the necessary widening of Nash Road to the new junction with Star Lane and Star Lane Link. Whilst some traffic could be diverted through the new residential development on Land North of Haine Road (1020 new homes), this development has not been historically planned with this purpose in mind. Therefore, it is considered more appropriate to deliver widening along the existing alignment.”

Paragraph 2.3.18: The County Council acknowledges the revised cost estimates for each of the infrastructure schemes forming the ICRIS, and minor changes to housing allocations both approved and proposed. Therefore, under the County Council’s instruction, an updated Strategic Site Allocations Impact (SSAI) exercise has been carried out by the County Council’s consultancy team at Jacobs, to help inform respective site viability appraisals. Please note that the costings for these schemes and proportionate contributions have been adjusted accordingly. The Local Highway Authority would therefore encourage further dialogue between the County Council, Thanet District Council and the applicant on this point promptly, to assist in any viability assessment for this site.

Interim Guidance Note 3 (IGN3) – Residential Parking

Paragraph 2.3.25: The proposed IGN3 parking standards for a ‘suburban edge’ location are noted. Additional commentary will be provided below regarding parking standard requirements.

Paragraph 2.3.26: It is uncertain whether the speculation over low or zero parking provision pertains to future reserved matters proposals for this site. The County Council would not consider this location to be conducive to such a proposal, even with a full suite of sustainable travel measures.

Nash Road Alignment

Paragraph 4.3.2: This section does not specify the widening of Nash Road along its current alignment, in line with either Policy SP18 of the adopted Thanet Local Plan or the TTS.

Paragraph 4.3.4: A detailed summary of the constraints along Nash Road that may preclude widening along its current alignment would be useful in evaluating this element of the proposals. The realigned section of Nash Road would create housing parcels either side of the new spine road, which will form part of the ICR. The ICR is intended to be a high-capacity route that will accommodate future traffic beyond the adopted Thanet Local Plan period, and this section will need to be designed to a specification that can relieve the existing A254 corridor. Consequently, access junctions to housing parcels should be kept to a minimum to allow ICR traffic to flow freely and without significant impediment to journey times. The realignment of this section of Nash Road, through the site will also create a degree of severance to the movement of pedestrians and cyclists, which can only be effectively addressed by multiple signalised crossings (including the two proposed Pegasus crossings by the County Council’s count), which in turn will create delay for the movement of vehicular traffic. It is, however, noted that this proposal will address an existing road alignment issue, as per paragraph 4.3.7.

Paragraph 4.3.5: The County Council would specify a 7.3 metre carriageway width, in line with emerging reserved matters proposals at the Land Adjacent to Salmestone Grange Nash Road, Margate, Kent development (approved under planning application reference: OL/TH/16/1765). This would allow for greater link resiliency and less driver delay when factoring in right-turn movements. It is also agreed that cycle lanes should be segregated and the County Council would advise that other cycling infrastructure, including arrangement at junctions, should adhere to the [Local Transport Note 1/20](#) standard.

Paragraph 4.3.6: The proposed Pegasus Crossing on Nash Road would need to be designed to a point where a Stage 1 Road Safety Audit (RSA) can be submitted and assessed under this application. It is assumed that this arrangement includes the stopping up of the highway at this southern end of the proposed offline section of Nash Road, along with new turning head facilities. Public Bridleway TM11 (Half Mile Ride) is particularly well used. Public Bridleway TM16 and Public Footpath TM17 are not being diverted but maintained as they are. The Local Highway Authority in respect of PRoW has highlighted aspirations for a section of segregated footway.

Paragraph 4.3.8: It is noted that the proposed design speed for this section of the ICR is to be 30mph. The existing 30mph sections on Nash Road to the north and south of the proposed realigned section should effectively be joined, creating a continuous 30mph section.

Paragraph 4.3.9: The County Council would seek the demarcation of a reserved highway corridor through the site showing approximate alignment and sufficient land to accommodate a 7.3 metre carriageway, along with the proposed cycle/footways, SuDS and other services. A Section 38 Agreement would need to be established with the Local Highway Authority to deliver this.

Paragraph 4.3.10: The new junction with the proposed offline Nash Road would need to be designed to accommodate traffic associated with Nash Court Farm, with supporting swept path drawings demonstrating that farm traffic can turn in and out without crossing the centre line of the realigned Nash Road.

Paragraph 4.3.11: It is noted that the red line application boundary does not abut the neighbouring development site to the west (Land Adjacent to Salmestone Grange Nash Road, Margate, Kent, approved under planning application reference: OL/TH/16/1765), creating a potential pinch point along Nash Road at the access to the allotments. This would need to be addressed, so that the widened section of Nash Road under these proposals would tie in with that of the neighbouring site. The County Council would therefore need to pursue further dialogue on this point with the applicant and the Local Planning Authority.

Paragraph 4.3.12: The County Council notes that a bus gate could be employed to prevent general vehicular access from Manston Court from beyond Phase 1. The bus gate arrangement should form part of the public highway and any internal roads linking to it, including any that constitute a potential internal bus route, should be presented to an adoptable standard and subject to a Section 38 Agreement with the Local Highway Authority. Dependent on the agreed internal layout of the internal road network, this feature may also need to serve as a secondary emergency access, as at present residential parcels to the north and south appear to only have one point of access to the wider highway network.

Paragraph 4.3.13: Although the adopted Kent Design Guide (2005) permits up to 300 dwellings being served off a Major Access Road, it does further state that this would preferably constitute two points of access or be a loop with a short connection to a single point of access. It should also be complimented with a secondary emergency access link. Further engagement is required on this point to forestall any issues at reserved matters. It would be pertinent at this stage to outline phasing of the development to identify access arrangements and any potential issues.

As with the highway along the ICR, cycling infrastructure should adhere to the [Local Transport Note 1/20](#) standard.

Paragraph 4.3.16: As with the proposed realigned section of Nash Road, the County Council would seek sufficient land to accommodate a 7.3 metre carriageway, along with SuDS and other services. A Section 38 Agreement would need to be established with the Local Highway Authority to deliver this.

Paragraphs 4.3.18 – 4.3.19: The provision of the traffic signal-controlled shuttle working arrangement on Nash Road, just north of the Nash Farm land parcel, addresses current land availability constraints. It also appears, in principle, to function safely and within capacity from 2031 onwards. However, this arrangement can only at best be considered an interim measure. Such an arrangement in the highway is not in keeping with the intended function of the ICR and objectives of the TTS. It should be noted that the Simulation and Assignment of Traffic to Urban Road Networks (SATURN) model has not been coded to reflect the proposed shuttle-working arrangement on Nash Road. This is a significant deviation from the specification of the ICR, where introducing a condition of actual and perceived delay may impact on traffic flows and route choice accordingly. It is noted that the applicant is prepared to dedicate land within the Nash Farm land parcel to assist with the eventual widening of the constrained section, should additional land come forward. As per paragraphs 4.3.9 and 4.3.16, this should be included in the requested reserved highway corridor for the ICR.

Were the Local Highway Authority to consider the proposals for the shuttle working arrangement, the full LINSIG modelling outputs would be required for checking. A Stage 1 RSA would also need to be submitted for assessment, and would need to be reviewed by the County Council. The County Council would also require swept path drawings showing that the shuttle working arrangement can accommodate the largest expected vehicle types that will use this route. At present, Nash Road has a width restriction, but these proposals will in effect open up Nash Road, to larger vehicles by removing or by-passing physical constraints on its current alignment. Any planning or technical consent of the proposed shuttle working arrangement should also be subject to an obligation on the applicant. This should commit them to funding any required land purchase and highway works to facilitate the full upgrading of Nash Road, in line with Policy SP18 and the TTS. The shuttle-working proposals, however, should be considered in light of the County Council's comments on paragraphs 7.3.8 – 7.3.10 below.

Furthermore, the proposals do not elaborate on the proposed highway arrangement to the south of the Nash Farm Land, to facilitate the widening of this corridor as far as Star Lane. What is possible within available land needs to be shown on a plan, for the sake of avoiding another pinch point. The Overview Plan indicates this, but does not offer further detail on

proposed highway arrangement. The County Council would also urge the applicant to consider this in conjunction with comments made under paragraphs 7.5.1 - 7.5.3.

PRoW

(Detailed commentary in respect of PRoW is provided later within this response)

Paragraph 4.4: It is noted that Public Bridleways TM11 (Half Mile Ride) and TM16 will provide Pegasus crossings where they bisect the realigned Nash Road. It is suggested that the precise location of both the crossings is to be established at this stage and indicated on the movement parameter and Masterplan.

PRoWs should link with the neighbouring Shottendane Road (Public Footpath TM14) which is proposed to be upgraded to a Public Bridleway, subject to landowner consent.

The maintenance and improvement to east to west links are paramount for this site - where internal roads cross Public Footpaths. It is requested that appropriate crossing points will be required. All PRoWs that fall within the site should be provided with an all-weather surface.

The County Council requests that the applicant investigates providing monetary contribution towards enabling improvements onsite and offsite, to mitigate the impact of this application and make it more sustainable. This will support Objective ED07 of the County Council [Rights of Way Improvement Plan](#) (ROWIP) to secure additional funding for the improvement of the PRoW network.

Internal Road Network

Section 4.5: The County Council would need to see a Road Hierarchy Plan, which could form part of a Design Code for any forthcoming reserved matters. Although layout is indicative at this stage, the Masterplan shows a sizable central portion of the site having only one vehicular access point to the wider network, adjacent to the indicated school. This portion could be included in a loop road accessed from Nash Road.

In line with [Kent Bus Infrastructure Guidance](#), bus routes through the site should be identified with indicative bus stop locations shown on a Parameter Plan. Parameters influencing the Masterplan will have a significant bearing on the efficiency and effectiveness of a bus service being provided.

The locations for the school and local centre are indicated as being adjacent to the ICR, whereby sufficient land would need to be secured for parking / drop-off and pick-up facilities.

Parking

Section 4.6: As previously noted, 'suburban edge' parameters for IGN3 parking standards are considered acceptable. All dwellings of more than three bedrooms will require two independently accessible parking spaces. Garages will be considered in addition to the required parking standards. An additional 0.2 visitor parking will be required through the site. Any tandem parking arrangements should make provision for an additional 0.5 visitor parking spaces to offset the potential on street parking that the scenario can represent. Each dwelling should make provision for Electric Vehicle charging facilities. These comments are provided to guide any future reserved matters applications.

Refuse and Servicing Arrangements

Paragraph 4.7: Tracking needs to be illustrated on a plan for a thirteen metre refuse freighter, alongside the turning for delivery vehicles and fire tenders on cul-de-sacs and private driveways.

Bus Strategy

Paragraphs 5.5.1-5.5.3: *“The exact routing/service frequency/service type within the Site will be determined by further reserved matters approvals.”* The County Council would maintain that the Bus Strategy would need to be agreed to a point at this juncture, to ensure that appropriate developer contributions to amended or new services are secured and in place. Liaison with the County Council Public Transport and Stagecoach is also recommended at the earliest opportunity. The County Council notes that a shuttle route between Westwood and Margate, via the site, is proposed to be the most viable option - any new service could be pooled with other committed developments. A consensus would however need to be reached between the relevant stakeholders prior to any determination of this application.

Paragraph 5.5.4: The methodology of every dwelling to be located within 400 metres of a bus service is welcomed, however, further information is required in relation to how this will be achieved in practice. It is recommended that the movement parameter and Masterplans also show indicative locations for bus stops within the development, along with crossing points on the spine road near the stops.

Traffic Growth

Paragraph 6.4.1: The Local Highway Authority understands that the Development Consent Order (DCO) at Manston Airport is subject to legal challenge. Therefore, the Local Highway Authority reserves the right to review the requirement for sensitivity testing should the future of the airport be clarified between now and the determination of this application.

Manston Court Road Access

Paragraphs 6.6.3 – 6.6.8: Although the modelling exercise has indicated that the relative traffic flows for vehicles routing to/from the west of the site are low, these are still significant taking in the context of existing highway constraints on these routes. Even these increases will add to existing pressures on pinch points and safety at junctions where visibility and geometry is sub-standard. It should be considered that the SATURN model network does not represent several local routes, such as Vincent and Flete Road, which are identified rat-runs in/out of the Westwood Cross area. Therefore, the outputs from the modelling exercise need to be considered within this context. In the view of the Local Highway Authority, this further establishes the need to manage development impacts on this part of the network with effective and timely mitigation, primarily in the form of the identified Manston-Haine link of the ICR. A proportionate approach to early delivery of the section that will link Manston Court Road with Manston Road to help manage a cumulative 2026 scenario should, in the County Council's view, be explored.

Star Lane / Star Lane Link

Paragraphs 7.3.1-7.3.4: It is noted that this junction is projected to operate within capacity in the 2031 scenario, although this forecast is based on the assumption that development traffic coming from Nash Road is able to utilise the Manston-Haine link, and thereby reduce right-turn manoeuvres at this junction. The County Council would refer to its comments made for Section 7.4, in relation to the need to establish a schedule for strategic highway contributions to ensure timely delivery of this infrastructure.

Nash Road Shuttle Working

Paragraphs 7.3.8-7.3.10: Further to comments made under paragraphs 4.3.18 – 4.3.19, it is noted that although the shuttle-working arrangement is proposed in a 2031 scenario, the County Council has no further comment on a trigger for delivery. In the view of the Local Highway Authority, this proposed arrangement is not considered an acceptable feature on the ICR in 2031 and will introduce an unnecessary pinch-point on the network in the interim. Nash Road presently acts as a relatively free-flowing alternative route to the A254, hence the TTS objective of bringing it up to a Local Distributor Standard. In the event of disruption on the A254 corridor, Nash Road can be severely impacted, a condition that is not modelled in SATURN, and the proposed shuttle-working arrangement would consequently be tipped over capacity.

The Local Highway Authority is of the view that this site is committed, by policy, to deliver the full widening of Nash Road as far as Star Lane, and hence the proposal should include a plan for meeting this policy requirement. The application proposes first building out on Manston Court Road which, provided suitable mitigation is agreed to manage interim impacts to the west of the site, should allow opportunity for the full widening of Nash Road to be delivered in time to serve development from those respective phases.

Off Site Proportionate Highway Impact

Paragraph 7.4: It is encouraging to see that reference is made to the provision of a financial contribution towards strategic highway improvements within the district of Thanet. However, at this stage there are no proposed trigger points for payment and further dialogue will need to take place, with the applicant, to provide clarity over this issue. This is given the modelling scenarios assess the road network in 2031 with all associated ICR and TTS infrastructure interventions in place (and on-site infrastructure for other strategic sites). It is essential that an agreement is reached in relation to strategic highway contributions in line with the Thanet Local Plan evidence base, otherwise such forecasts will not be sound. It is, however, noted that the proposed contribution in this section refers to a more accurate, updated apportionment, but as per the County Council's response to paragraph 2.3.18, this has been further revised in light of changing scheme costs and amended housing numbers.

Walking and Cycling Impact

Paragraphs 7.5.1 -7.5.3: The Trip Rate Information Computer System (TRICS) calculations for pedestrian and cycle movements from the site are noted, but the County Council is looking to accommodate more such trips in this location than the average attained from the database of existing sites. Although the proposals include a network of non-vehicular routes that will tie in with the existing network, for the most part this would be little more than would

be expected in order to provide suitable access for all modes. Further opportunities to encourage sustainable modes of travel for shorter journeys to local retail and employment destinations are apparent when looking beyond the application boundaries. Some degree of permeability with the neighbouring Westwood site to the south could be secured to access on-site facilities and routes beyond to Westwood Cross. The TTS also highlights an opportunity to link this site with the Westwood Industrial Estate to provide alternative access to a major employment site - an objective that has been facilitated under the approved application for Unit P, Continental Approach (planning application reference F/TH/21/0272), a site that lies directly opposite Nash Farm. A safe means of accessing the secured on-site four-metre connecting corridor and provision of suitable supporting facilities will considerably enhance this site's sustainable credentials and help realise the Framework Travel Plan objectives.

Public Transport Impact

Paragraph 7.6.1: As before, with walking and cycling, the County Council would be seeking to maximise use of public transport as opposed to simply meeting projected bus users. If discussions have taken place with Stagecoach, then the applicant is urged to also engage with the County Council's Public Transport Team and Transport and Development Team to collectively agree a suitable Bus Strategy and framework for funding.

Framework Travel Plan

A Framework Travel Plan has been submitted in support of a residential mixed-use development, outlining baseline travel patterns, targets for modal shift, and measures to be delivered.

The trip generation for the proposed development has been outlined in the accompanying Transport Assessment.

Kent Local Transport Plan 4

Paragraph 3.3.3: As outlined, the transport priorities for Thanet include the ICR to improve links to Westwood Cross, and the creation of a new railway station at Thanet Parkway. The proposal should viably enhance and improve the accessibility for existing and future residents. The site will be required to provide a proportionate contribution to the ICRIS.

Thanet District Transport Strategy 2015-2031

The County Council acknowledges that the site is identified within the [Thanet District Transport Strategy 2015-2031](#), outlining where there is further potential to better link Westwood Industrial Estate to the wider highway network and enhance pedestrian and cycle access.

Bus and Rail

Paragraphs 4.3.1-4.3.6: The existing bus stops and timings are outlined which is acceptable. It is noted that there are a number of bus services within 650 metres of the site boundary. A shuttle route between Westwood and Margate via the site is outlined as being the most

viable option in terms of a further bus service, which would be pooled with other committed developments. The Framework Travel Plan should take account of this proposed service.

Paragraph 4.3.7: Details are included for services from Margate station, indicated as 2km north of the site. The site should include facilities to improve access to Thanet Parkway Station, which should be included in the Framework Travel Plan.

Travel Surveys

Paragraph 5.1.1: The survey methodology is proposed to comprise the following:

- Site management questionnaire;
- Multi-modal count of trips to and from the site (from each residential phase/land use);
- Parking counts (including bicycles, motorcycles, cars, and lorries); and
- Resident, pupil, employee and visitor questionnaires as appropriate (including a question to determine any internalisation of trips).

The surveys will be dependent on land use, with individual Framework Travel Plans for each of the non-residential land use. The school will be subject to a separate Framework Travel Plan, which would involve hands up surveys.

Paragraph 5.2.1: Baseline surveys are proposed within six months of occupancy for non-residential land uses and 75% occupation for each residential phase, which is acceptable to the County Council.

Paragraph 5.3.1: Follow up surveys are proposed at years three and five, which is considered to be acceptable. The non-residential uses will be subject to monitoring fees, dependent on the floorspaces proposed. The residential phases will be subject to a £1,422 monitoring fee for 400 dwellings or more. This may be subject to change if active support or long term monitoring is required. This monitoring fee should be secured by way of a Section 106 (s106) Agreement.

The School Travel Plan should be uploaded to Jambusters and will be subject to annual monitoring with the County Council.

Baseline Modal Split and Targets

The County Council acknowledges that the modal split for each land use is to be based on TRICS and the most up to date Census data, which is considered to be acceptable.

The targets seek to reduce the vehicle trips by five percent from the baseline position, which is also acceptable to the County Council.

Measures

Paragraph 10.1.2: The County Council recognises that the Framework Travel Plan outlines informative measures for residents. Additional measures could include a £100 bicycle voucher upon first occupation of each dwelling.

Paragraph 10.1.3: Public transport provisions are proposed to be outlined in Residential Travel Information Packs. More robust measures should be proposed, such as annual bus tickets for all residents to tangibly provide a viable alternative to residents.

Off Site Measures

Paragraph 10.2.1: The County Council notes that discussions were held with Stagecoach, however, the applicant should have also engaged with the County Council Public Transport Team. Any new bus service should be detailed in future Framework Travel Plans for all uses.

PRoW

As a general statement, the County Council is keen to ensure that its interests are represented with respect to its statutory obligation to protect the PRoW in the county and to seek improvements to the network. The County Council is committed to working in partnership with the applicant to achieve the aims contained within the ROWIP and the County Council '[Framing Kents Future](#)' Strategy 2022-2026. These relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

The following PRoW are affected by the site: Public Bridleways TM11 and TM16, and Public Footpath TM17. These all connect to the wider PRoW network in the area.

The County Council places a **holding objection** on the above application. Insufficient weight is given to the overall PRoW network in terms of mitigation, particularly given the strategic links through the site and onward connectivity, together with the long term direct impact on the network. There are also some areas where there is an omission of the PRoW network within application documents, which require amendment. The County Council may be in a position to lift this objection if the points made in this response are resolved to the County Council's satisfaction. The County Council would therefore welcome further engagement on the matters raised.

A PRoW Scheme of Management is required to be conditioned, agreed and approved by the County Council, prior to commencement of any works. This should cover both construction and operation, to include each PRoW affected, to therefore cover pre-construction, construction and completion over the prolonged schedule. All details are to be approved by the County Council prior to commencement of any works, if permission is granted. The County Council would suggest further direct engagement with the applicant to discuss the PRoW Scheme of Management and the following comments which make specific reference to the proposals.

Planning Statement

Paragraph 5.29: The County Council notes that the PRow will be “*retained and incorporated within the layout*” and would advise that the “*network of pedestrian routes across the site*” must link to existing PRow routes for connectivity.

Paragraph 5.32: The County Council acknowledges the proposed fifteen year construction period, and would draw attention to its comments made in respect of mitigation below, for the impact of construction on the PRow network for this timescale.

Paragraphs 5.33-34: As previously advised by the County Council for the EIA Scoping Report, PRow must be specifically referenced and included within all legal mechanisms and Heads of Terms to ensure that appropriate offsite improvements are enabled. Without such improvements, a development of this size will not achieve the sustainable travel objectives.

Paragraphs 5.35-5.39: This section makes no reference to the impact of the proposed development on PRow amenity and enjoyment over the construction period and once in operation, over a prolonged time period. Any landscaping maturing by Year 15 is considered to be inadequate by the County Council – this must be reviewed by the applicant.

Paragraph 5.45: The County Council is concerned that there is no mention of PRow, as there will be a significant impact on the PRow network. S106 contributions, to protect and improve PRow must be included due to the impact of the proposed development on air quality, noise pollution, landscape and visual amenity (as mentioned within the Non-Technical Summary). PRow use will be severely affected in all categories during construction and on completion, and this needs appropriate acknowledgement and mitigation.

Paragraphs 5.64-5.65: The County Council recommends that active travel is part of the climate change agenda to encourage modal shift away from short car journeys.

Paragraph 6.23: The County Council advises that a development of this size should also be looking to the future in terms of strategy and use. Comments made for the Framework Travel Plan in respect of the inclusion of PRow for active travel and leisure opportunities are therefore applicable for this paragraph.

Illustrative Masterplan

The County Council would recommend that PRow routes are clarified in this document, as there appears to be some deviation of alignment.

Framework Travel Plan

Paragraph 4.2.6: The County Council notes the omission of cycle rights on Public Bridleways TM11 and TM16 and would recommend that this is amended. These are important active

travel and leisure routes and they therefore require the improvements proposed. The County Council would also suggest that there is a connection between the two Public Bridleways alongside Nash Road, where it is proposed to be reduced traffic either on what is currently grass verge or within the site boundary. This would provide a significant connection for the PRow network.

Section 7 Aims and Objectives: This section should reference the County Council ROWIP and include PRow routes as active travel and leisure opportunities to benefit new and existing residents.

Section 9 Travel Plan: This section should include the PRow network both on and off site “to maintain good level of knowledge of sustainable travel opportunities” (paragraph 9.1.4). The applicant should also engage with [Explore Kent](#), the County Council’s promotional partners.

Section 10 Measures: The County Council is disappointed that there is no mention of the PRow network within the Residential Travel Information Packs in paragraph 10.1.7. It is also recommended that offsite PRow measures are included in section 10.2 alongside bus network measures.

Section 10.3 Non-Residential Uses: The County Council is concerned with the omission of PRow in this section – it must be referenced along with cycling and walking.

Paragraph 10.3.3 – In respect of primary school measures, the County Council delivers walk to school schemes to Draper Mill School close to the Humber’s Mill site. This supports the County Council’s s106 funding requests for schemes to improve routes for user safety and all weather use and it is requested that a similar scheme be requested for this development.

Section 12 Action Plan: The County Council would recommend that this section reflects the above comments, to ensure the inclusion and thus protection of the PRow network.

Design and Access Statement

The County Council notes that all plans throughout the application should label PRow to provide clarity and context to those reading the documents.

Connectivity Audit: The County Council recommends that reference is made to PRow in this section, specifically for both active travel and leisure purposes. The intention for the “*creation of new walking and cycling routes*” is noted, however, the applicant should also consider improvements to offsite existing routes via s106 investment, and with regard to the County Council’s request to link Public Bridleways TM11 and TM16.

Connectivity Plan: This should also include reference to the Viking Coastal Trail promoted route and the new National Trail, the King Charles III Coast Path. The PRow network should also be specifically referenced in the Connectivity Plan to provide clarity of the affected PRow routes from the proposed development.

Strategic Highway Improvements: The County Council confirms the requirement for Pegasus crossings at all points where Bridleways are crossed. The County Council also wishes to secure a new link connecting Public Bridleway TM11 and Public Footpath TM17 off-road, alongside Nash Road or within the site boundary. This should be created as a Public Bridleway via an appropriate legal mechanism to future proof this new route.

Traffic and Transport: The 'Response' section refers to the objective to “*enhance walking/cycling/horse riding in the area*”, and the new desired link connecting Public Bridleway TM11 and Public Footpath TM17 for all users fits this objective.

Development Principles

The County Council has set out its comments in respect of the following particular development principles laid out below:

5. Create a variety of wetland landscapes: The wetlands are located at the Eastern end of Public Bridleway TM11. The applicant must allow for, and demonstrate consideration of, the potentially unpredictable nature of cycle and equestrian use and design the layout of this section appropriately to ensure safety for all.

7. Maintain PRoW within proposed landscape corridors: The County Council notes that PRoW are shown in Landscape Corridors and there appears to be a connection between Public Bridleway TM11 and Public Footpath TM17. Clarity is required by the County Council and all details (widths, surface etc.) must be included in the PRoW Management Scheme, if permission is forthcoming.

9. Opportunity to close the northern section of Nash Road to through traffic: The County Council would support the closure of Nash Road for reasons above to enable the link between Public Bridleway TM11 and Public Footpath TM17. The County Council would require this to be a definite inclusion in proposals, not just “*to be explored*” and would therefore advise the applicant to engage with the County Council in order to bring this forward. This must be part of the planning consideration, not left until any future Reserved Matters, in order for any future development to progress in a legal and timely manner.

10. Create a network of safe and attractive walking and cycling routes to promote health and wellbeing and to reduce carbon emissions: The County Council would reiterate its comments made in the paragraph above which are also applicable here. Routes within the development that are not PRoW must be managed once in operation by an appointed management company to ensure future maintenance. All new routes must link to the existing PRoW for connectivity with the wider area PRoW network, including Public Footpath TM17 off-site, and Public Footpaths TM14, TR26 and TM13. If upgraded to Public Bridleway, Public Footpaths TM13 and TM14 would create better links for pedestrians, cyclists and equestrians for active travel and leisure opportunities, linking to schools, the Coast and Westgate Station.

Illustrative Masterplan

Public Footpath TM17 and Public Bridleway TM19 should be included in this Plan.

Design and Access Statement - Part 2

Land Use Parameter Plan: The County Council recognises that this Plan omits reference to PRow, and would recommend that this is amended.

Movement and Access Strategy: This Strategy requires amendment as there is little detail of PRow. Clarity is also needed on the Key in respect of the “*pedestrian, cycle and transport links could feature*” point. The County Council would recommend that this Strategy features the new link connecting Public Bridleways TM11 and TM16.

Nash Road: The County Council, in respect of PRow, would wish for a new link to be created as a Public Bridleway, to connect Public Bridleways TM11 and TM16. This would be off-road where there is existing grass verge available, or within site green space. With landowner permission, this can be achieved through a Creation Agreement entered into with the County Council as Highway Authority for the PRow network. The new link would be of significant benefit to user safety and wider connectivity.

PRow: The County Council confirms that Pegasus crossings would be required, although, the location of the crossing for Public Bridleway TM16 requires further consideration, given the wish for the new link and concern for user safety at this location. There is no crossing shown where the proposed green corridor crosses Public Bridleway TM11 which will require a crossing, albeit not a full Pegasus, for public safety. The junction of Public Bridleway TM11 onto Nash Road will require signage and improvement for visibility (clearance, widening, furniture to warn users of Nash Road). The County Council would also propose new residents exiting the development to have clear signage not to attempt access along Nash Road. Disappointingly, there is an omission of Public Footpath TM17 within the site and how this route will be incorporated.

Landscape Strategy Plan: The County Council recognises that housing appears close to Public Footpath TM17 and Public Bridleway TM16 which would require amendment in detailed design. Again, there is an omission of Public Footpath TM17 in the design of the Nature Park, and this requires amendment.

The photographic examples of the Green Corridor appear too urban, especially those on the PRow routes, and whilst the County Council appreciates this is at an early stage, this would not be acceptable.

General Comments

Disappointingly, it is recognised that reference has not been made to the County Council ROWIP or the [‘Framing Kents Future’ Strategy 2022-2026](#), which should be included in the application material. The National Planning Policy Framework (NPPF) policies mentioned in the Planning Statement, Design and Access Statement and Framework Travel Plan should also include paragraph 100 “*Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for*

users, for example by adding links to existing rights of way networks including National Trails.”

The County Council emphasises that any disturbance of the routes and works affecting PRow require approval from the Local Highway Authority.

All matters regarding access, access tracks, and the impact on the PRow with regard to public user safety and enjoyment must be fully mitigated, and proposals approved by the County Council. Consideration should also be given to the impacts on the PRow network during the pre-construction / early design stage of the project, in addition to the construction and operational phases of the project. For example, during the pre-construction phase, excavation works may be required to evaluate ground conditions and reptile fencing may be erected to conduct ecological surveys. The results of these investigations may influence and determine the final design of the development, but the process of collecting the data may cause disruption to PRow users.

In respect of mitigation, this project provides an opportunity to improve the PRow network and develop new links for connectivity across the network and that provide safe alternatives to existing on-road routes. The creation of new routes and the upgrading of existing routes should be considered as positive outcomes of the scheme. The public benefits of such work would help to compensate for any disruption caused by the construction of the development and the negative effects on the PRow network. Examples of new links would be as above between Public Bridleways TM11 and TM16. Improvements to the network would include, but not be exclusive to, the improvement and potential upgrade of user rights for Public Footpaths TM13 (Thanet District Council is the landowner) and TM14, and improvements to Public Footpaths TM10 and TM12 - for example, by way of clearance and surface repair. The County Council would welcome discussion with the applicant regarding an appropriate mechanism (s106) to secure funding to futureproof the network by these improvements.

Summary

Going forward, the County Council advises engagement with the applicant to review the impacts detailed in our holding objection, how they may be addressed and to consider PRow network improvements which could be delivered through the project.

A PRow Scheme of Management would then be required to be conditioned, agreed and approved by the County Council as Highway Authority, prior to commencement of any works.

Mitigation as described above will also be required in terms of developer contribution funding towards the County Council aims and objectives to improve active travel, leisure and tourism opportunities with regard to the wider area. The connectivity between and cumulative development impact of the Shottendane Road site and the proposed North Thanet Link Road would be of significant benefit to strategic off-road routes in the district.

Development Investment

The County Council, as key infrastructure provider, has assessed the implications of this proposal in terms of the delivery of its community services and considers 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 appendices 2a-2f).

Request Summary

	Per applicable ¹ house	Per applicable flat	Total	Project
Primary Education	£7,081.20	£1,770.30	£10,345,633.20	Towards the new Humber's Mill primary school or other new primary schools locally or the provision of additional primary places within the Birchington and Thanet Villages Planning Group
Primary Land	1 x 2 form entry primary school site of 2.05ha to be provided at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements)			
Secondary Education	£5,587.19	£1,396.80	£8,162,884.59	Towards a new Thanet secondary school or the provision of additional secondary places within the Thanet district non-selective and selective planning group, or any other new secondary school within the district

¹ 'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation.

Secondary Land	£2,330.44	£582.61	£3,404,771.97	Towards the land acquisition cost of a new Thanet secondary school
Special Education Needs and Disabilities (SEND)	£559.83	£139.96	£817,911.63	Towards the provision of additional SEND places and/or additional SEND facilities within Thanet district
Early years	<p>26 place nursery to be provided as part of the two form entry primary school cost</p> <p>The County Council requests that consideration is given to the provision of space for additional private nursery premises either through a community or commercial building within the proposed development</p>			

	Per dwelling (x1461)	Total	Project
Community Learning	£34.21	£49,980.81	Towards additional resources, equipment and services for the Community Learning Service in Thanet district, to assist with the education and training of the new learners from this development
Youth Service	£74.05	£108,187.05	Towards additional equipment and resources for the Youth and Early Years Service in Thanet to enable early prevention and outreach provision in the vicinity of this development
Library Service	£62.63	£91,502.43	Towards additional resources, equipment, and book stock (including reconfiguration of space) at local libraries serving the development, including Margate Library, Westgate Library and Newington Library
Social Care	£180.88	£264,265.68	Towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the district
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£52.00	£75,972.00	Towards improvements at Thanet HWRC to increase capacity

<i>Highways</i>	<i>Kent Highway Services will respond separately</i>
Community Building specification	<ul style="list-style-type: none"> • Design that is dementia friendly, with dementia friendly decoration and signage • A catering area which is compliant with the Disability Discrimination Act, including adjustable height work surfaces, wash areas, cupboards etc • Toilets and changing facilities in accordance with the Changing Places specification

Please note that these figures are to be index linked by the BCIS All-In Tender Price Index based at Q1 2022 to the date of payment. 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 2a-2f.

Education

The County Council is the statutory authority for education and is the Strategic Commissioner of Education Provision.

Education - Primary Education

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 2a.

Based on an indicative dwelling mix of 70% houses, 20% flats and 10% non-applicable flats, the proposal gives rise to 307 additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of the new Humber's Mill primary school, or other new primary schools locally, or the provision of additional primary places within the Birchington and Thanet Villages Planning Group.

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

Build Contribution

The County Council requires a financial contribution towards construction of the new Humber's Mill primary school at £7,081.20 per applicable² house and £1,770.30 per applicable flat.

Land Contribution

The County Council also requires a two form entry primary school site of 2.05ha to be provided at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements (Appendix 2b)).

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority must 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.

The County Council 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 2023-2027](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

Education - Primary School site

Site

The County Council, as Local Education Authority, approves in principle the proposed indicative location of the new primary school and welcomes the site size of 2.05 ha as indicated in the Development Specification Document. It would appear from a desktop evaluation that the site is clear of PRow and flood zones, however, the County Council will require the four corner point co-ordinates of the proposed school site to enable a site visit to confirm the site's suitability. The applicant's attention is drawn to the County Council's General Transfer Terms (Appendix 2b), for which the proposed site will need to be in accordance and provided to the County Council at no cost.

It is noted that the school site is sandwiched between Half Mile Ride and overhead power cables to the south of the school site. The proximity of the school site to overhead power cables may be a matter of parental concern.

Further details are required as to the orientation of the school site, as well as its relationship to the adjacent community uses.

² applicable' means: all dwellings except 1 bed of less than 56sqm GIA.

If requested by Thanet District Council, additional sports hall height capacity could be provided for community badminton court use – there would be an additional build cost associated.

Highways

The County Council, as Local Highway Authority, notes that the proposed school site is very close to the realigned Nash Road. The way in which the school is accessed and the form of the junction from the spine road into Phases 3-5 is not clear and is a key consideration.

The County Council wishes to raise concerns regarding the location of pull-ins and parking for school drop-off and traffic congestions at peak hours on the main road, and busy main road frontage / speeding cars / lorries and road crossing for pedestrians.

Further detail is required on parameter / access plans and routes to avoid active picking up and dropping off directly from the link road.

The County Council requests further detail on space for school drop off and pick up areas, and internal layouts of the roads surrounding the school to ensure they have additional on-street parking designed into them.

Further information is requested on pedestrian routes to school, including routes over the realigned Nash Road and details of pedestrian / cycle crossings.

The County Council requires further information on the areas of the school campus which will be fronting the main realigned Nash Road and how this might impact on air quality and noise at the school site.

Archaeology

The County Council's comments in respect of Heritage Conservation are subject to pending archaeological reports in the area proposed for the new primary school.

Phasing / proposed timing of the school

The Development Specification Document sets out the location of the new primary school in Phase 2 of the development. Further discussion will be required to ascertain the appropriate timing for the transfer of the school land including provision of construction, highways and active travel routes. 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 is available.

The school site must be served by vehicular and pedestrian / cycle routes prior to opening, connecting not only the new communities to these schools, but also the existing residential areas and development in the locality. Further detail will be required on the proposed access routes to the school from Phase 1a, should the school be required to open prior to the completion of Phases 3-5.

S106 payment triggers

S106 payment triggers are to be advised following further discussions on phasing and the delivery requirements of the new primary school.

Education - Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 2a.

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.

Based on an indicative dwelling mix of 70% houses, 20% flats and 10% non-applicable flats, the proposal is projected to give rise to 219 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of a new Thanet secondary school or the provision of additional secondary places within the Thanet district non-selective and selective planning group, or any other new secondary school within the district. This will be provided and delivered in accordance with the timetable and phasing of the Local Planning Authority's Infrastructure Delivery Plan, where available.

Build Contribution

The County Council requires a financial contribution towards construction of the new Thanet secondary school £5,587.19 per applicable³ house and £1,396.80 per applicable flat.

Land Contribution

The County Council also requires proportionate contributions towards the secondary school land acquisition cost at £2,330.44 per applicable house and £582.61 per applicable flat.

The site acquisition cost is based upon current local land prices and any s106 agreement would include a refund clause should all or any of the contribution not be used or required.

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.

Education - Special Education Needs and Disabilities Provision

The Children's and Families Act 2014, Equality Act 2010 and Children and Families Act 2014 sets out the County Council's responsibilities for children and young people with special

³ applicable means: all dwellings except 1 bed of less than 56sqm GIA

educational needs and disabilities (SEND) aged 0-25 years. The County Council's [SEND Strategy](#) (2021-2024) 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), with the majority educated in mainstream school environments. However, children with more complex needs are supported through an Education, Health and Care Plan (EHCP) which sets out the provision they are entitled to. January 2019 figures for England show that 3.7% (4.1% for Kent) 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. School-age pupils with EHCPs are educated in mainstream school classes, in Specialist Resourced Provisions on mainstream sites and in stand-alone special needs schools.

Mitigation of Need

All SEND infrastructure in Kent is currently at capacity. The County Council will, therefore, seek contributions from all housing proposals that meet the threshold to mitigate this new demand.

The SEND pupil product ratios are 0.0110 per house and 0.0027 per applicable flat.

This proposal gives rise to 16 additional pupils with EHCPs requiring extra support through specialist provision. This need will be met through the provision of additional SEND places within the district.

A proportionate expansion / new build contribution is therefore required of £139.96 per applicable flat and £559.83 per applicable house.

Education - Early Years

The County Council aims to secure a sufficient long-term supply of sustainable, high-quality early years and childcare provision. It works with existing and potential providers to encourage additional provision where required, whether for Free Entitlements and / or parent / carer funded place.

Where a new two form entry primary school is delivered, according to the Education and Skills Funding Agency (ESFA) Baseline Design, the design should include a 26-place nursery. This cost is included in the primary education new-build contribution rates for houses and flats and is therefore not subject to additional contributions.

The County Council requests that consideration is also given to the provision of space for additional private nursery premises either through a community or commercial building within the proposed development. The County Council welcomes the inclusion of two options for private nursery space within the on-site community facilities, as set out in the Development Specification Document.

Community Learning

The County Council provides community learning facilities and services for further education in line with its policies, as set out in the ['Framing Kent's Future' Strategy 2022-2026](#). Community Learning and Skills 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 2d, along with the cost of mitigation.

To accommodate the increased demand on Community Learning and Skills, the County Council requests £43.21 per dwelling towards the cost of providing additional resources, equipment and services for the Community Learning Service in Thanet, to assist with the education and training of the new learners from this development.

Youth Service

The County Council has a statutory duty to provide Youth Services under section 507B of the Education Act 1996. This requires the County Council, 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 £74.05 per dwelling towards additional equipment and resources for the Youth and Early Years Service in Thanet to enable early prevention and outreach provision in the vicinity of the development.

Library Service

The County Council is the statutory Library Authority. Under the Public Libraries and Museums Act 1964, it has a statutory duty to provide *"a comprehensive and efficient service"*. The Local Government Act 1972 also requires the County Council to take proper care of its libraries and archives.

Borrower numbers are in excess of capacity, and bookstock in Thanet district at 852 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 £62.63 per household towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Margate Library, Broadstairs Library and Newington Library.

Adult Social Care

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 2e.

The County Council 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, the County Council requires:

- a proportionate monetary contribution of £180.88 per household (as set out in Appendix 2e) towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and Changing Places locally in the district.
- The Department for Levelling Up, Housing and Communities identified in June 2019 guidance '[Housing for older and disabled people](#)', 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. The County Council 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

The County Council is the statutory Waste Disposal Authority for Kent, responsible for the safe disposal of all household waste, providing Household Waste Recycling Centres (HWRCs) 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 £52.00 per household is required towards the upgrading of the Thanet District HWRC to mitigate the impact arising from this development and accommodate the increased waste throughput within the district.

Implementation

The County Council considers 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. The County Council would be grateful if a draft copy of any s106 agreement or unilateral undertaking could be shared at the earliest convenience, prior to its finalisation and would encourage discussions to ensure that the provisions laid out in the legal agreement meet the need generated by the growth.

The County Council requests confirmation on when this application will be considered and to be 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 ten 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 Minerals and Waste Planning Authority, can confirm that the application site is not within 250 metres of any safeguarded land-won mineral. It therefore would not have to be considered against the safeguarding exemption provisions of Policy DM 7: Safeguarding Mineral Resources of the adopted [Kent Minerals and Waste Local Plan 2013-2030](#) (KMWLP).

However, with regard to safeguarded mineral or waste management facilities, the proposed development is within 250 metres of Margate Refuse and Recycling / Biffa Margate site and the concrete batching facility (Gallagher Ltd). Therefore, the application would have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted KMWLP.

The County Council has examined the submitted details, including the applicant's Planning Statement, and cannot find any reference to the safeguarding requirements of the adopted KMWLP. The relevant part of Policy DM 8 states:

“Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.”

Further guidance on the application of this policy will be included in a Supplementary Planning Document.”

An Infrastructure Assessment is generally prepared as part of the Planning Statement or is a standalone document that details why the impacts of the lawful operation of the safeguarded facility will not give rise to unacceptable adverse impacts on the future occupants of the proposed development. The application does have Environmental Statement appendices that address dust, noise and vibration; however, the documents were unavailable at the time of writing this response. Ideally, an Infrastructure Assessment should be prepared that specifically addresses the requirements of Policy DM 8, as this is a material adopted Development Plan policy matter that the submitted application is silent on.

The County Council, as Minerals and Waste Planning Authority, raises a holding objection is raised on waste management and mineral products facility safeguarding grounds (Policy CSW 16 Safeguarding of Existing Waste Management Facilities). This is due to the absence of any exemption from the presumption to safeguard through a submitted Infrastructure Assessment, that addresses the exemption requirements of Policy DM 8 of the KMWLP.

Sustainable Urban Drainage Systems (SuDS)

The County Council, as Lead Local Flood Authority, has reviewed the information submitted and is satisfied with the principles proposed for dealing with surface water, namely via a system of interconnected infiltration basins and swales with the additional use of deep bore soakaways as required. Should Thanet District Council grant approval, the County Council would recommend that the following conditions with advisories are applied:

Advisories

As of the 10th of May 2022, the Environment Agency's climate change allowances have been updated. As part of this update, revisions have been made to the 'Peak Rainfall Intensity Allowances' that are used in applying climate change percentages to new drainage schemes.

The Lead Local Flood Authority would now seek that the 'upper end' allowance is designed for both the 30 (3.3%) and 100 (1%) year storm scenarios. The latest information on the allowances and map can be found on the [Government website](#).

On this occasion, whilst the current climate change advised uplift factor has been applied to the 1% AEP event, no uplift has been applied to the 3.33% AEP event. Whilst not particularly onerous at this stage, given the available capacity shown in the network calculations provided, the County Council would expect for this to be provided as part of a detailed design submission.

This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need

additional mitigation allowances, for example, attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles.

The County Council is pleased to note that additional groundwater monitoring is to be undertaken to support the use of deep bore soakaways. It is expected that any information provided as part of the detailed design submission should clearly show recorded groundwater levels across a period of time to demonstrate suitable ground water levels are present across **all** seasons.

The County Council notes that it is stated within the Drainage Strategy document that *"A model boating lake is proposed for the site. The model boating lake design will incorporate an overflow into the drainage system, should design water levels be exceeded, to avoid increasing flood risk to site users or off site."* Whilst minor with regards to additional flows, the County Council would expect for this aspect of the Surface Water drainage design to be fully considered as part of any detailed drainage submission.

The hydraulic analysis provided details of the infiltration basin for catchment area w1 as having a base and side infiltration value of 0.71768 m/hr. As part of the detailed design, the County Council would expect clarification as to why the side infiltration rate is not set to 0.005076 m/hr in line with the rate found in this location and as per the other infiltration basins with drainage blanket.

The following conditions have been established to ensure that the development proposals demonstrate compliance with paragraphs 159 to 169 of the NPPF:

Condition: No development shall take place until the details required by Condition One (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 in any phase 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 be based upon the Drainage Statement prepared by Stantec UK Ltd dated September 2022 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of (within the curtilage of the site) without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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

Condition: Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and / or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the NPPF.

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 169 of the NPPF.

Heritage Conservation

The County Council's comments made in respect of Heritage Conservation will be provided directly to Thanet District Council in due course.

Biodiversity

The County Council, in respect of Biodiversity, provided comments direct to Thanet District Council on 6th July 2023 (Appendix 3).

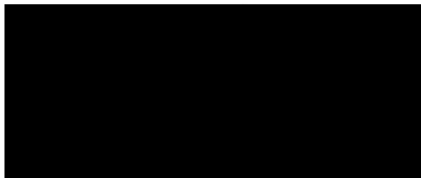
Sport and Recreation

The County Council would welcome a discussion with the applicant on the proposed mixed use centre and how it can be made fit for purpose for potential physical activity and community engagement.

The County Council will continue to work closely with Thanet District 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 Thanet District Council and the applicant on the matters raised in this response.

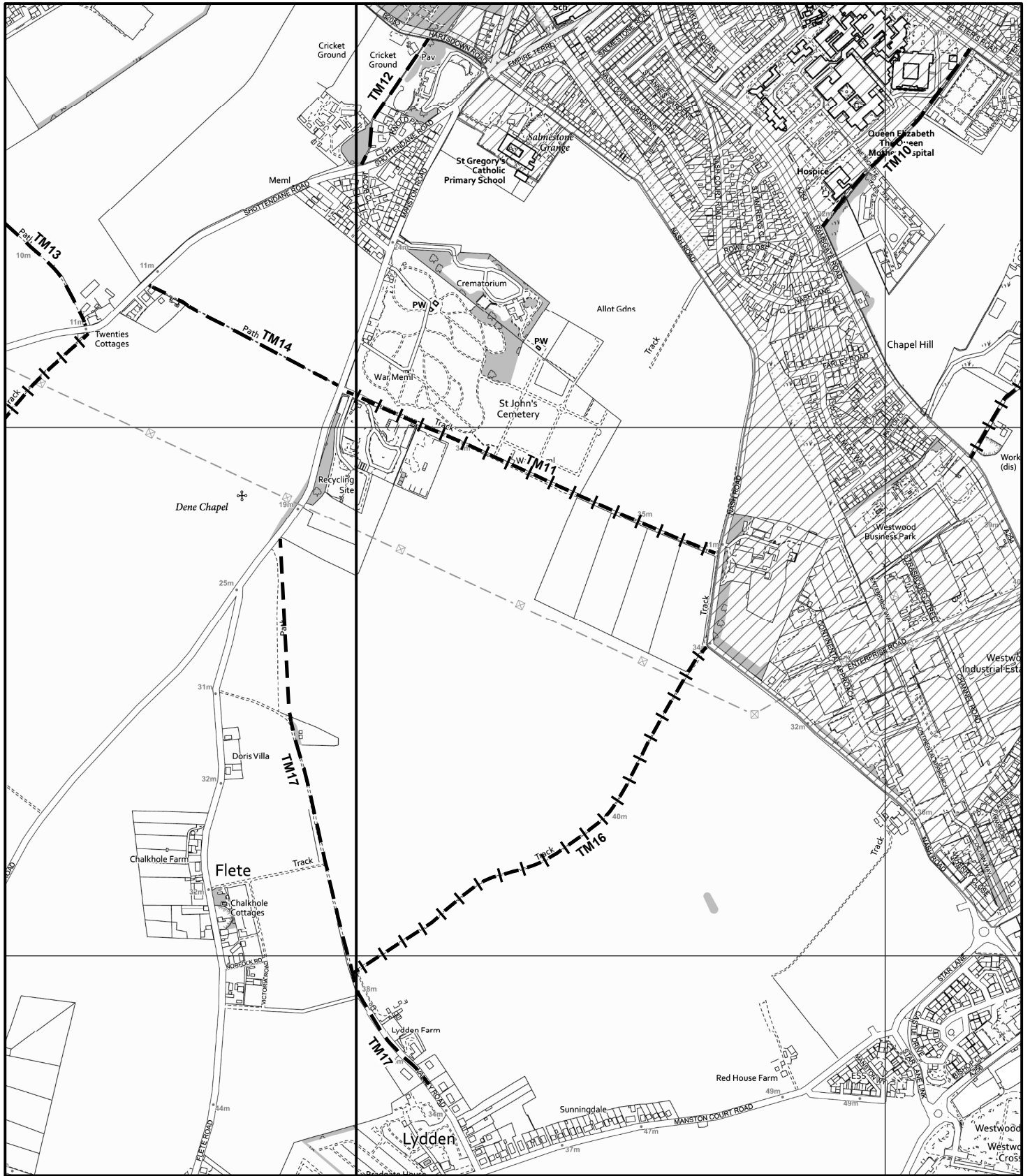
If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely,



Simon Jones
Corporate Director, Growth, Environment and Transport

Enc.
Appendix 1: Extract of the Network Map
Appendix 2a: Education Assessment
Appendix 2b: Kent County Council General Transfer Terms March 2023
Appendix 2c: New School Land Costs
Appendix 2d: Communities Assessment
Appendix 2e: Social Care Assessment
Appendix 2f: Waste Assessment
Appendix 3: Biodiversity response provided direct on 06.07.2023



- — 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
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FOR THE COUNTY OF KENT**

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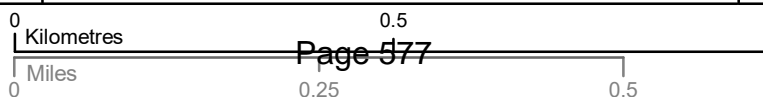
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KCC developer contribution assessment for Primary Education

District: Thanet	1-bed: 146
Site: Land on the North East Side of Nash Road, Margate, Kent	Houses: 1023
Plan ref: TH/23/0685	Flats: 292
Date: 19/06/2023	Total units: 1461

Assumed Housing Mix:
 70% Applicable Houses
 20% Applicable Flats
 10% Non-Applicable dwellings

Current and forecast pupils on roll for schools within		Birchington and Thanet Villages planning group										
DfE no.	School	2021-22 (A)	2022-23 (A)	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)
3178	Birchington CE Primary School	473	475	503	523	528	519	519	521	518	521	525
3182	Minster CE Primary School	389	387	422	444	454	446	457	451	448	450	452
3183	Monkton CE Primary School	104	106	114	117	122	122	124	123	122	122	122
3186	St. Nicholas at Wade CE Primary School	187	191	206	210	217	214	215	214	213	214	215
Current and forecast pupils on roll (excluding the expected pupil product from new developments)		1,153	1,159	1,245	1,294	1,321	1,301	1,314	1,309	1,301	1,306	1,314
Required capacity to maintain 2% surplus capacity		1,177	1,183	1,270	1,320	1,347	1,327	1,341	1,336	1,328	1,333	1,341

Current and forecast capacity for schools within		Birchington and Thanet Villages planning group										
DfE no.	School	2021-22 (A)	2022-23 (A)	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)
3178	Birchington CE Primary School	540	540	510	510	480	450	420	420	420	420	420
3182	Minster CE Primary School	420	420	420	420	420	420	420	420	420	420	420
3183	Monkton CE Primary School	105	105	105	105	105	105	105	105	105	105	105
3186	St. Nicholas at Wade CE Primary School	210	210	210	210	210	210	210	210	210	210	210
Current and forecast capacity (1)		1,275	1,275	1,245	1,245	1,215	1,185	1,155	1,155	1,155	1,155	1,155

(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		Birchington and Thanet Villages planning group		
Planning reference	Development	Houses	Flats	Primary product
TH/23/0437	Gresham Lodge Manston Road East RAMSGATE Kent CT12 5BT	12	0	3
TH/20/1145	Sportsman Inn, 123 Sandwich Road, RAMSGATE, Kent, CT12 5JB.	4	2	1
TH/21/1671	Land South Of, Canterbury Road West, RAMSGATE, Kent	133	0	37
TH/21/1422	Phase 5A, Land North Of Haine Road Broadstairs And West Of, Nash Road, MARGATE	0	14	1
TH/21/0761	Land Rear Of 92 To 102, Monkton Street, Monkton, Kent (S106)	49	0	0
TH/20/1755	Land North And East Of, Canterbury Road, BIRCHINGTON, Kent	1,650	0	462
TH/20/1525	St Stephens, Haine Road, RAMSGATE, Kent (S106)	91	16	0
TH/20/0335	W S Cole And Son, 116 Monkton Street, Monkton, Ramsgate (S106)	19	0	0
TH/19/0438	Land Between Manston Road And Preston Road Adjoining Manston Green Industries, Manston, RAMSGATE, Kent (S106)	28	0	0
TH/19/0173	Hoo Farm 147 Monkton Road Minster RAMSGATE Kent CT12 4JB (S106)	23	0	0
TH/18/1498	Land on the West side of Trothill Street, Minster, Ramsgate (S106)	214	0	0
TH/18/0261	Land on south side of Manston Court Road and west side of, Haine Road, Ramsgate. Westwood Village (S106)	900	0	0
New developments within the planning area		3,123	32	505
This development		1,023	292	307

Assessment summary												
Detail	2021-22 (A)	2022-23 (A)	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)	98	92	-25	-75	-132	-142	-186	-181	-173	-178	-186	
Expected pupil product from new developments	505	505	505	505	505	505	505	505	505	505	505	
Surplus / (deficit) capacity including the expected pupil product from new developments	-406	-412	-530	-580	-637	-647	-691	-686	-678	-682	-691	
Expected pupil product from this development	307	307	307	307	307	307	307	307	307	307	307	
Surplus / (deficit) capacity including the expected pupil product from new developments and this development	-713	-719	-837	-887	-944	-954	-998	-993	-984	-989	-998	
Expected pupil product from this development that on current plans for school provision cannot be accommodated	307	307	307	307	307	307	307	307	307	307	307	

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: Thanet	1-bed: 146
Site: Land on the North East Side of Nash Road, Margate, Kent	Houses: 1023
Plan ref: TH/23/0685	Flats: 292
Date: 19/06/2023	Total units: 1461

Assumed Housing Mix:
 70% Applicable Houses
 20% Applicable Flats
 10% Non-Applicable dwellings

Current and forecast pupils on roll for schools within

		Thanet District non-selective and selective planning group										
DfE no.	School	2021-22 (A)	2022-23 (A)	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)
4016	Charles Dickens School	1,132	1,105	1,135	1,135	1,127	1,128	1,126	1,101	1,093	1,074	1,053
5462	Chatham & Clarendon Grammar School	1,035	1,008	947	923	915	913	907	899	900	890	875
5460	Dane Court Grammar School	886	878	881	882	856	865	863	849	845	831	815
4172	Hartsdown Academy	696	765	778	789	779	771	769	772	767	752	730
4120	King Ethelbert School	764	762	804	817	817	806	798	794	792	778	768
4030	Royal Harbour Academy	852	893	892	875	856	876	869	856	858	844	835
5447	St. George's CE Foundation School	1,081	1,080	1,076	1,071	1,067	1,070	1,066	1,049	1,045	1,028	1,010
4633	Ursuline College	798	817	833	816	822	826	821	819	816	802	786
Current and forecast pupils on roll (excluding the expected pupil product from new developments)		7,244	7,308	7,347	7,308	7,238	7,256	7,220	7,138	7,116	6,999	6,873
Required capacity to maintain 2% surplus capacity		7,392	7,457	7,497	7,457	7,386	7,404	7,367	7,283	7,261	7,141	7,013

Current and forecast capacity for schools within

		Thanet District non-selective and selective planning group										
DfE no.	School	2021-22 (A)	2022-23 (A)	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)
4016	Charles Dickens School	1,160	1,160	1,160	1,160	1,160	1,160	1,160	1,160	1,160	1,160	1,160
5462	Chatham & Clarendon Grammar School	1,020	990	930	900	900	900	900	900	900	900	900
5460	Dane Court Grammar School	825	825	825	825	825	825	825	825	825	825	825
4172	Hartsdown Academy	900	900	900	900	900	900	900	900	900	900	900
4120	King Ethelbert School	750	750	750	750	750	750	750	750	750	750	750
4030	Royal Harbour Academy	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
5447	St. George's CE Foundation School	1,085	1,085	1,085	1,085	1,085	1,085	1,085	1,085	1,085	1,085	1,085
4633	Ursuline College	810	840	810	780	780	780	780	750	750	750	750
Current and forecast capacity (1)		7,550	7,550	7,460	7,400	7,400	7,400	7,370	7,370	7,370	7,370	7,370

(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

		Thanet District non-selective and selective planning group		
Planning reference	Details	Houses	Flats	Secondary product
TH/23/0400	Western Undercliff Cafe Western Undercliff Ramsgate Kent CT11 9PH	0	11	1
TH/23/0437	Grenham Lodge Manston Road East RAMSGATE Kent CT12 5BT	12	0	2
TH/20/1145	Sportsman Inn, 123 Sandwich Road, RAMSGATE, Kent, CT12 5JB,	4	2	1
TH/22/1447	20-43 Sea Road and Land Rear of 37 Westgate on Sea CT8 8QW	6	29	3
TH/22/1311	59- 63 Queen Street RAMSGATE Kent CT11 9EJ	0	17	1
TH/22/1057	Unit 1 And 2 Belgrave Road MARGATE Kent CT9 1XG (S106)	0	10	0
TH/22/0979	60 To 68 High Street And , 1 To 11 George Street, RAMSGATE, Kent	0	6	0
TH/22/0642	Land South West Of The Nightingales, Ramsgate Road, MARGATE, Kent (S106)	0	10	0
TH/22/0573	Land at Manston Road, Ramsgate, Kent (S106)	70	9	0
TH/21/1907	78 To 80 Dumpton Park Drive, BROADSTAIRS, Kent	4	14	2
TH/21/1864	Shottendane Farm, Shottendane Road, Margate, CT9 4ND	7	0	1
TH/21/1671	Land South Of, Canterbury Road West, RAMSGATE, Kent	133	0	27
TH/21/1422	Phase 5A, Land North Of Haine Road Broadstairs And West Of, Nash Road, MARGATE	0	14	1
TH/21/0671	Land To The North Of Fairlaw Road And The West Of Northwood Road, Broadstairs, Kent	38	3	8
TH/21/1075	Kingsgate College Convent Road Broadstairs CT10 3BE (S106)	0	17	0
TH/21/0774	Former British Gas Site, Northdown Road, BROADSTAIRS, Kent	60	0	12
TH/21/0417	Land At, New Haine Road, RAMSGATE, Kent (S106)	440	37	0
TH/21/0761	Land Rear Of 92 To 102, Monkton Street, Monkton, Kent (S106)	49	0	0
TH/20/1726	Bowling Centre, Ethelbert Crescent, Margate, CT9 2DVF	0	10	1
TH/20/1708	143 - 147 High Street, RAMSGATE, Kent, CT11 9TY (S106)	0	6	0
TH/20/1725	Land North And East Of, Canterbury Road, BIRCHINGTON, Kent	1,650	0	330
TH/20/1525	St Stephens, Haine Road, RAMSGATE, Kent	91	16	19
TH/20/1386	43 - 49 High Street, MARGATE, Kent, CT9 1DX (S106)	0	10	0
TH/20/1400	Land South Of Westgate And Garlinge, MARGATE, Kent	1,647	95	334
TH/20/1320	Land South Of Manston Road Adjacent To The Beacon,(Former Car Storage Site), Manston Road, RAMSGATE (S106)	26	10	0
TH/20/1030	123 Canterbury Road, Westgate On Sea, Kent, CT8 8NW	12	17	3
TH/20/0847	Land And Buildings On The North West Side Of, Shottendane Road Of, Shottendane Road (S106)	402	48	0
TH/20/0842	Seagulls, Cliff Promenade, BROADSTAIRS, Kent	0	8	0
TH/20/0768	Land Rear Of 19 To 23 Harold Road And 9 To 15, Albion Road, MARGATE, Kent (S106)	14	0	0
TH/20/0335	W 5 Cole And Son, 116 Monkton Street, Monkton, Ramsgate (S106)	19	0	0
TH/19/1740	51 - 59 Norfolk Road MARGATE Kent CT9 2HX (S106)	0	14	0
TH/19/1761	Lanthorne Court, Lanthorne Rd, BROADSTAIRS, Kent CT10 3PB (S106)	46	3	0
TH/19/1531	Ramsgate Social Club, Elms Avenue, RAMSGATE, Kent (S106)	0	14	0
TH/19/1465	6 North Foreland Road BROADSTAIRS Kent CT10 3JU (S106)	0	36	0
TH/19/1389	20 - 26 Albion Place RAMSGATE Kent CT11 9HQ (S106)	2	12	0
TH/19/1162	Newington County Primary Infants School, Melbourne Avenue, Ramsgate (S106)	44	6	0
TH/19/1025	The Orb Inn, 243 Ramsgate Road, MARGATE, Kent (S106)	0	10	0
TH/19/0889	Former Westonsville Garage, Canterbury Road, MARGATE, Kent (S106)	0	18	0
TH/19/0813	Land Formerly Used As Club Union Convalescent Home, Reading Street, BROADSTAIRS, Kent (S106)	22	1	0
TH/19/0663	St Peters Presbytery, 117 Canterbury Road, Westgate On Sea, Kent (S106)	0	15	0
TH/19/0438	Land Between Manston Road And Preston Road Adjoining Manston Green Industries, Manston, RAMSGATE, Kent (S106)	28	0	0
TH/19/0484	Cox And Son, 3 Broad Street, RAMSGATE, Kent	0	32	2
TH/19/0323	Land On The North Side Of, Stirling Way, RAMSGATE, Kent (S106)	23	6	0
TH/19/0173	Hoo Farm 147 Monkton Road Minster RAMSGATE Kent CT12 4JB (S106)	23	0	0
TH/18/1109	14 Suffolk Avenue, Westgate On Sea, Kent, CT8 8JG	20	0	4
TH/18/1488	Land on the West side of Tothill Street, Minster, Ramsgate (S106)	214	0	0
TH/18/0261	Land on south side of Manston Court Road and west side of, Haine Road, Ramsgate, Westwood Village (S106)	900	0	0
TH/16/1311	Port Regis Nursing Home Convent Road BROADSTAIRS	0	6	0
TH/16/1765	Land adjacent to Salmestone Grange, Nash Road, Margate (S106)	235	0	0
New developments within the planning area		6,241	572	751
This development		1,023	292	219

Assessment summary

Details	2021-22 (A)	2022-23 (A)	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)	158	93	-37	-57	14	-4	3	87	109	229	357
Expected pupil product from new developments	751	751	751	751	751	751	751	751	751	751	751
Surplus / (deficit) capacity including the expected pupil product from new developments	-593	-658	-788	-808	-736	-755	-748	-664	-642	-522	-394
Expected pupil product from this development	219	219	219	219	219	219	219	219	219	219	219
Surplus / (deficit) capacity including the expected pupil product from new developments and this development	-812	-877	-1,007	-1,027	-956	-974	-967	-883	-861	-741	-613
Expected pupil product from this development that on current plans for school provision cannot be accommodated	219	219	219	219	219	219	219	219	219	219	219

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.

Kent County Council

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 within the 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 use of the land as a school or restrict ordinary school activities. New covenants must not be imposed restricting the future use of the land.
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 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.

March 2023

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Appendix 1A

Education Build and Land Contributions

Site Name	Land on the North East Side of Nash Road, Margate, Kent
Reference No.	OL/TH/23/0685
District	Thanet

	Houses	Flats	Total
Unit Numbers	1461	0	1461

Primary Education			
		Per house	Per flat
<i>Primary pupil generation rate</i>		0.28	0.07
New Primary Pupils generated from this development			409
New Primary School build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	£25,289.80	£7,081.20	£1,770.30
Contribution requested towards New Primary School Build			£10,345,633.20
Total Primary Education Build contribution			£10,345,633.20

Secondary Education			
		Per house	Per flat
<i>Secondary pupil generation rate</i>		0.20	0.05
New Secondary Pupils generated from this development			292
New Secondary School build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	£27,935.95	£5,587.19	£1,396.80
Contribution requested towards New Secondary School Build			£8,162,884.59
New Secondary School site contribution			
Residential Land Price per acre for Thanet			£530,503
	Pupils	Hectares	Acres
<i>6FE Secondary School</i>	900	8.00	19.768
	per Pupil	per House	per Flat
<i>Land Rate</i>	£11,652.20	£2,330.44	£582.61
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 530502.697751873 x (292.2 / 900)			
Contribution requested towards New Secondary School Site			£3,404,771.97
Total Secondary Education Build and Land contribution			£11,567,656.56

Appendix 1A

Education Build and Land Contributions

Site Name	Land on the North East Side of Nash Road, Margate, Kent
Reference No.	OL/TH/23/0685
District	Thanet

	Houses	Flats	Total
Unit Numbers	1461	0	1461

Special Education Needs			
		Per house	Per flat
<i>SEN pupil generation rate</i>		<i>0.0110</i>	<i>0.0027</i>
New SEN Pupils generated from this development			16
New Special Educational Needs build contribution			
	per Pupil	per House	per Flat
<i>New Build/Expansion Rate</i>	<i>50,893.35</i>	<i>559.83</i>	<i>139.96</i>
Contribution requested towards New SEN School Build			£817,911.63
Total SEN Build and Land contribution			£817,911.63

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 2

KCC Communities

Development Contributions Assessment

Site Name	Land on the North East Side of Nash Road,
Reference No.	OL/TH/23/0685
District	Thanet
Assessment Date	04/07/2023
Development Size	1,461

COMMUNITY LEARNING & SKILLS	
	Services
Current Service Capacity	2,045
LESS Current adult participation in Thanet district	2,148
Initial capacity shortfall/surplus (Year ending 2019)	-102
New adult participation from this development	52.44 clients
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£34.21 per dwelling</u>
<i>1461 dwellings from this proposal</i>	<u>£49,980.81</u>
<i>Towards additional resources, equipment and services for the Adult Education Service in Thanet District, to assist with the education and training of the new learners from this development</i>	

INTEGRATED CHILDREN'S SERVICES - YOUTH / EARLY YEARS SERVICE		
	Centre and Hub based Services	Outreach and Targeted Services
Current Service Capacity	1,671	900
LESS Current youth participation in Thanet district	1,755	945
Initial capacity shortfall/surplus (Year ending 2019)	-84	-45
New Youth/Early Years Service participation from this development	73.05 clients	
Will service capacity be exceeded?	YES	
Contributions requested from this development	<u>£74.05 per dwelling</u>	
<i>1461 dwellings from this proposal</i>	<u>£108,187.05</u>	
<i>Towards additional equipment and resources for the Youth and Early Years Service in Thanet to enable early prevention and outreach provision in the vicinity of this development</i>		

LIBRARIES	
Libraries assessed for this development	Library Stock and Services
Current Service Capacity	16,466
LESS Current library participation in Thanet district	17,289
Initial capacity shortfall/surplus (Year ending 2019)	-823
New borrowers from this development	426.03 borrowers
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£62.63 per dwelling</u>
<i>1461 dwellings from this proposal</i>	<u>£91,502.43</u>
<i>Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Margate Library, Broadstairs Library and Newington Library</i>	

Net contributions requested for KCC Communities' Services	£249,670.29
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APPENDIX 3

KCC Social Care, Health and Wellbeing

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

Site Name	Land on the North East Side of Nash Road, Margate, Kent
Reference No.	OL/TH/23/0685
District	Thanet
Assessment Date	04/07/2023
Development Size	1,461

Net Social Care contributions requested: Social Care and Health Services	£264,265.68
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures</p> <p>* Under the Care Act 2014, Mental Health Act 1993 and Mental Capacity Act 2005</p> <p>**https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing</p>	

A. ASSISTIVE TECHNOLOGY & HOME ADAPTATION EQUIPMENT	<i>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.</i>
B. ADAPTING COMMUNITY FACILITIES	<i>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.</i>
C. SENSORY FACILITIES	<i>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.</i>
D. CHANGING PLACE	<i>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.</i>
E. SPECIALIST CARE HOUSING	<i>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.</i>

New Social Care Clients generated from this development: <i>Forecast SC clients generated from ALL proposed developments within the District (up</i>	294 client(s) 4,326 clients
Contributions requested from this development	£264,265.68
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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KCC Waste Services

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

Site Name	Land on the North East Side of Nash Road, Margate, Kent
Reference No.	OL/TH/23/0685
District/Area	Thanet
Assessment Date	04/07/2023
Development Size	1,461

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:

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	1,461
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	£3,338,400.00
4. Cost per new dwelling (£3,338,400 / 64,200 new homes)	£52.00
Contributions requested from this development 1,461 dwellings from this proposal	<u>£52.00 per dwelling</u> <u>£75,972.00</u>
Contributions requested towards Margate HWRC	

Net Contributions requested for KCC Waste from this development

£75,972.00

* Estimated

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

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ECOLOGICAL ADVICE SERVICE

TO: *Annabel Hemmings*

FROM: *Helen Forster*

DATE: *06 July 2023*

SUBJECT: *Land on the North East Side of Nash Road, Margate OL/TH/23/0685*

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 if sufficient/appropriate ecological information has been provided.

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 we advise that it provides a good understanding the ecological interest of the site. We advise that we are satisfied that sufficient survey information is required but additional information is required on the proposed mitigation.

The ecological information submitted has detailed the following:

- Two areas of semi improved calcareous grassland present on site (including the RNR). Lizard orchid was recorded in area next to footpath and lizard orchid is protected under Schedule 9 Wildlife and Countryside Act 1981 (as amended).
- Lowland deciduous woodland
- Native species hedgerow (habitats of principle importance).
- Scattered trees
- Golden Plover recorded in field adjacent to site (species associated with the SPA).
- The wintering bird surveys confirmed the site was used by barn owls (schedule 1 species under the Wildlife and Countryside Act 1981) farmland bird species of conservation concern and species recorded in the field margins/hedgerows
- 35 species recorded during the breeding bird surveys which confirmed that the site was used by ground nesting birds (including corn buntings and skylarks). Barn Owl

was recorded nesting in adjacent site and the majority of species were recorded within the field margins/hedgerows (including grey partridge and linnet).

- Roosting Pipistrelle recorded within Nash Farm (building being impacted by road)
- At least 7 species of foraging/commuting bats within the site (greatest interest near Nash Farm and the cemetery).
- Likely to be small populations of reptiles within the edges of the site but none were recorded during the survey. Slow worms were confirmed within Nash Farm.
- Hares recorded within the site.
- Hedgehogs likely to be present.

With the exception of farmland birds and roosting bats the majority of the site interest is located within the site boundaries and the submitted Green Infrastructure parameter plan does demonstrate that the site boundaries will be retained and can be enhanced. In addition areas of open space/habitat creation will be carried.

The habitat creation/habitat enhancement includes the following measures:

- Creation of a 50m buffer area adjacent to the Road Side Nature Area (termed the Chalkhole Farm Roadside Nature Area is shown on the Green Infrastructure Plan). Also to provide habitat to support corn bunting and other farmland birds.
- At least a 5 m buffer on the chalk grassland and lizard orchid in the east boundary of the site.
- Enhancement and retention of the hedgerows in the site.
- Creation of green space throughout the site

A biodiversity net gain metric has been submitted and detailed that an anticipated BNG of 18% could be achieved. If the habitat creation/enhancement is achieved as detailed within the BNG assessment we do agree that it is likely that suitable habitat to support the majority of species within the site can be retained within the site. However it is dependent on appropriate habitat creation works and long term management being implemented within the site. All the grassland to be created within the site has been assessed as reaching good condition and if appropriate management does not occur the conditions proposed within the BNG metric may not be achieved and the proposed BNG habitat assessment is likely to be lower than the anticipated 18% BNG.

Farmland Birds

The proposal will result in a loss of arable fields which have been confirmed being used by farmland birds (including corn bunting and skylarks). The creation of Chalk hole Farm roadside Nature area is likely to provide habitat for some farmland birds including linnet and corn bunting but not ground nesting birds such as skylarks. The proposal will result in the loss of skylark habitat and 28 territories were recorded within the development site and no mitigation has been proposed to mitigate the impact. We question if any discussions have been had with landowners in the wider area to create skylark plots to increase opportunities for skylarks within the surrounding area. We advise that additional information on this matter must be provide prior to determination.

Roosting Bats

A common pipistrelle roost will be lost due to the proposed development and we are satisfied that within the site appropriate mitigation can be implemented however we highlight that limited details on the proposed mitigation has been provided. We

recommend that information is provided confirming the minimum number of bat roosts which will be created within the buildings in the proposed development site both as mitigation and enhancements. This information will enable the applicant to demonstrate that sufficient measures will be implemented to mitigate the loss of the bat roost.

Species Mitigation

An overview of the species mitigation has been provided and other than the points detailed above we are satisfied with the principle of the proposed mitigation. We advise that if planning permission is granted a detailed mitigation strategy will be required as part of any planning permission.

The success of the proposed ecological mitigation and achieving the anticipated BNG is based on the implementation of appropriate management and if planning permission is granted there will be a need for a detailed habitat creation plan and a site wide management plan to be submitted as a condition of planning permission.

Ecological Enhancement

In addition to enhancing the site for biodiversity for through increasing habitats within the site there are opportunities to enhance the site through increasing the number of enhancement features within the green space and buildings. We recommend that details of the minimum number of enhancement features to be incorporated in to the site must be provided. This must include details of integrated bat and bird boxes/tiles, bee bricks, log piles, hedgehog highways and nesting opportunities.

Habitat Regulations Assessment

We have reviewed the Habitat Regulations Assessment and we are largely satisfied with the conclusions of the report. However the report has conclude that, without mitigation, there will be no impact on the designated sites due to Water pollution / pollution to groundwater (point sources and diffuse sources) / marine water pollution (construction or once the Project is operational).

If any mitigation is required (such a SuDS) to address impacts such as pollution of water courses which could then impact the designated sites there is a need for the HRA to be updated to include water pollution in the full HRA. They must not be ruled out at the screening stage of the HRA.

We advise that the TDC consultee on surface water must be satisfied that the conclusions of the HRA are correct with regard to water pollution. In

Subject to the surface water consultees being satisfied that the information within the report is correct we advise that the TDC must adopt the HRA. We highlight that the HRA requirements includes a contributing to the Thanet And Canterbury SAMMP.

Lighting

The lighting report has detailed the following lighting principles will be taken forward with regard to lighting and minimising impacts on ecological features/interest:

- *The road improvements adjacent to Nash Court Farm should adopt directional lighting to reduce light spill in so far as possible onto the buildings within Nash Court Farm.*
- *The proposed new green corridors (e.g. linking Nash Farm to the western hedgerows and St John's Cemetery) and landscaping features should be kept dark to allow for*

their future use for bat movement. The Bats and Artificial Lighting in the UK (Bat Conservation Trust, 2018) guidance should be referred to for appropriate limits on artificial lighting.

- *As shown on the Land Use Parameter Plan (Appendix B), the proposed strategic link corridor will cut through some of these green corridors. If lighting on this road is required, light density should be reduced in these areas while maintaining appropriate conditions to meet road safety requirements.*
- *All new LEDs in use within the Proposed Development will be a maximum of 3000K to reduce impacts of the spectral power distribution (colour temperature) on bats.*

We advise that TDC must be satisfied that the proposed principles can be achieved. For example it's our understanding that if the road are to be adopted KCC Highways require lighting to be 4000K. Where lighting is located adjacent to green spaces there must be an undertaking to dim or switch of lighting over night and as part of this undertaking full consideration must be given to the impacts associated with Health and Safety requirements for residents.

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:
Environmental Statement. Chapter 6 and appendix 6.1-6.8; Axis Land Partnerships
Parameter Plan – Green infrastructure; Mosaic; September 2022

Informal Consultation on the Maidstone Borough Council Town Centre Strategy

Kent County Council Commentary

11 August 2023

Highways and Transportation

Kent County Council (hereafter referred to as the County Council), as Local Highway Authority, welcomes Maidstone Borough Council's request for input on its emerging Town Centre Strategy.

It is noted that the three missions underpinning the Strategy place an emphasis on regeneration, connectivity, and creating high-quality environments. They are therefore aligned with the County Council Strategy 2022-2026, '*Framing Kent's Future*', which includes priorities associated with levelling up communities, delivering new infrastructure and achieving Net Zero in Kent by 2050.

The County Council regards it to be entirely appropriate that transport-related matters have been placed at the forefront of the Town Centre Strategy. The inclusion of a Movement Strategy to address the specific needs of individual travel modes is welcomed.

The County Council's detailed comments on the Movement Strategy are set out below and we would welcome continued engagement and collaborative working with the Borough Council with a view to ensuring that a collective agreement is reached on the interventions that are to be taken forward.

Maidstone Town Centre Movement Strategy

Many of the transport issues that the Movement Strategy seeks to address are complex and long-standing. The County Council would ordinarily advocate an iterative approach to identifying solutions that enables a wide range of transport intervention options to be carefully considered. This is beneficial in how it provides a greater degree of transparency through demonstrating how individual solutions have been chosen as representing the most effective means of delivering the over-arching vision.

With this in mind, it is recommended that the Strategy clearly demonstrates how the proposed interventions are aligned with the over-arching vision and three missions. There is currently a lack of cohesiveness in how the Strategy jumps from a vision for the future to pre-empting solutions for the identified locations. This is particularly evident in the case of Mill Street and the A249 gyratory (H2 and H3), where the objectives underpinning the proposed interventions are not clearly defined.

There needs to be a clear translation of the vision into desired outcomes on a place-by-place basis. This is most effectively captured in the case of the river crossing at Earl Street and associated access provision to the towpath (P1, P2 and P8), where the intended outcomes are more easily understood.

If the intended outcomes are clearly articulated at the outset, it can enable a range of intervention options to be considered and developed by working together with the County Council.

In the first instance this could be achieved through expressing the vision/broad concept through illustration (impressions/sketches/drawn plans) for each of the identified locations. This could be supported by evidence of the reason for delivering an intervention at the suggested location and the challenges that would need to be overcome. For example, this could consider crash statistics for the area, vehicle speeds, land availability and funding.

The interventions included within the Strategy are, in many cases, conceptual in nature with a high degree of uncertainty regarding their deliverability. The County Council would therefore encourage further collaborative working as a means of refining the Strategy to ensure it focuses on measures with a good prospect of delivery.

It will also be important to ensure that any interventions within the town centre complement those being implemented outside of the town centre. For example, it will be beneficial to feed walking, cycling and scooter trips onto safer routes where they already exist (e.g. towpath) or can be created. Traffic related measures outside of the town centre are also likely to play an important role in diverting trips away from the town centre.

With regard to the component parts of the Movement Strategy, the County Council would wish to make the following comments:

Walking Strategy

- P1: The principle of a new river crossing suitable for use by pedestrians and cyclists is supported. The bridge would need to incorporate ramped access as part ensuring it is suitable for all users.
- P2/P3/P4: Clarification is required on how land constraints can be overcome to enable additional waiting space to be created.
- P5: The rationale for the additional crossing needs to be defined in terms of whether it is an identified desire line or crash hotspot. The impacts of an additional crossing on traffic flow will also need to be understood.
- P5/P6: Clarification is required on how land constraints can be overcome to enable footway widening to be achieved at this location.
- P7: The nature and extent of any illegal use of King Street needs to be defined, with a view to identifying what measures may be appropriate.
- P8 – It is unclear whether the public realm improvements are intended to represent the pedestrianisation of Earl Street, as referenced in item 8 on page 14 of the Group Leader presentation. Any reallocation of road space for this purpose will have implications on adjoining streets, accesses to car parking/businesses and bus routing arrangements.
- The Strategy omits any reference to the scope for removing or upgrading existing subway crossings.

Wheeling Strategy

- C1: County Road is a low traffic road. There could be more merit in expanding the connections to the King Street / Mote Road / Wat Tyler Road area by indicating in the Strategy the potential corridors for a quiet route between these locations and the County Hall / East station area. Wheeler Street would need to be incorporated into this on the map.
- C2/C3: Greater potential synergy should be explored between these two interventions. It could be premature to propose a reconfigured junction for Fairmeadow, given that a better option may be to combine the planned outcome of C2 (better access to riverside path from Fairmeadow) with the planned outcome of reduced severance of the River Medway by providing a new river crossing from Earl Street. Any new river crossing proposal would be expected to also incorporate improved access onto the riverside path.
- C4: This would need to build on the lessons learned from the temporary Active Travel Scheme, including issues with taxi rank locations.
- C5: Clarification is required on how land constraints can be overcome to enable a segregated cycle route to be achieved.
- C6: It is unclear whether there is evidence to demonstrate how cycle access from the river path to Hart Street could be impactful in increasing cycling to the West station. A better opportunity could exist through improving access from areas south of the river to the Millennium Bridge, which could be considered alongside the desired outcomes for the All Saints area.
- The Strategy should identify the primary spots across the town centre where significant new volumes of secure cycle parking could be provided.

Public Transport Strategy

- PT1: An upgrading of the bridge link to improve the quality of the route and encourage interchange between the stations is welcomed, although clarity is required on what form of improvements are envisaged.
- PT2: Clarification is required on how level access can be achieved within the land constraints.
- PT3: Clarification is required on the nature and scope of any reconfiguration, including possible impacts on existing parking and access to business premises on Station Approach.
- PT4: The Strategy needs to better illustrate the current deficiencies associated with this link and what outcomes, such as better lighting or surveillance, are sought.
- PT5: It is unclear whether the new route will be a shuttle bus service or will be woven into the overall public transport provision as part of a longer route. In view of the potential congestion delays for services as they exit St. Peters Street onto the gyratory, it may be better to reappraise this intervention as part of tackling the overall poor levels of connectivity between this area and the town centre. This should focus on reducing short distance car trips involving the retail clusters and consider longer term mobility hub solutions (e.g. e-scooters).
- Aside from PT5, the Strategy has no interventions focused on bus services or bus related infrastructure/facilities. This is a significant omission in view of the important role bus travel plays in journeys to/from the town centre.

Motor Vehicle Strategy

- H1: Clarification is required on how the gyratory could be reconfigured to provide additional space for pedestrians/cyclists, given the land constraints and pivotal network function of this key interchange.
- H2: The intended outcomes of this intervention need to be more clearly articulated to demonstrate why a new road link is an appropriate solution, given the limited footfall likely to be associated with the Carriage Museum.
 - It is noted that two designs for the link road have been devised. Both would reduce capacity on the A229 northbound from three lanes to two lanes. This is likely to worsen congestion on this corridor, with adjoining side roads also affected.
 - The alignment and capacity of the link road would be likely to increase journey times on the corridor, which could encourage road users to change routes. Longer journey times also has implications for bus operators reliant on using this corridor.
 - Both options only provide one lane for the predominant northbound traffic movement along the A229 towards the gyratory, which will influence the extent of queuing and delay.
 - Both options replace the signal-controlled exit from Mill Street onto Palace Avenue with a give-way arrangement. The availability of gaps in traffic to manoeuvre will be limited at busy periods so this is likely to have safety and capacity implications.
 - The implications of the loss of car parks would need to be understood, given the influence on routing patterns as motorists seek alternative car parking locations.
 - In Option 1, the conversion of Priory Road to one-way southbound would alter the distribution of traffic across the local network. The implications of this would need to be fully understood.
 - Option 1 results in a more convoluted set of junction turning movements for northbound A229 traffic seeking to proceed towards Palace Avenue.
 - Option 1 removes the ability for westbound Knightrider Street traffic to proceed directly onto Old College Horseway, thereby requiring a lengthy detour.
 - It is unclear what is intended by the calming of Palace Avenue/Lower Stone Street referred to in item 6 of page 18 of the Group Leaders presentation.
- H3: The existing problems and intended outcomes of this intervention need to be more clearly articulated to demonstrate why removal of the gyratory is an appropriate solution.
 - The reference to the gyratory being unnecessary appears to disregard its key network function as the interchange between the A249, A20 and King Street.
 - The ability to redevelop the Haynes Ford area and improve pedestrian/cyclist provision does not arguably necessitate removal of the gyratory.
 - There is a lack of detail on how the gyratory could be reconfigured in such a way that would avoid worsening congestion on the key corridors. The development brief indicates a single crossroads intersection, which would have less capacity than the existing gyratory arrangement.
 - The direct nature of the proposed north-south route through Haynes Ford could make it attractive for traffic moving between the A249 and A20.

- H4: Clarification is required on what additional provision can be achieved within the land constraints, having regard to the footways, crossings and 20mph speed limit already present on St. Peters Street.
- H5: It is understood that the proposed new road link is intended to provide an alternative route to Barker Road.
 - The configuration of any new junction onto Broadway could have highway safety and capacity implications on the A20 corridor.
 - It is unclear how the current parking and business access arrangements in the vicinity of West station would be accommodated.

Delivery and Servicing Strategy

- Any consolidation centre or logistics hub will require convenient access to/from the strategic highway network.

Car Parking Strategy

- The outcomes of the planned review of car parking should inform the content of the Movement Strategy.
- The Strategy should confirm how car parking provision at new developments should be in accordance with adopted parking standards.
- The proposal of Park and Stride from Mote Park should take account of how the availability of car parking within the town centre is likely to limit the attractiveness of peripheral parking locations. Further consideration is also required on how this would co-exist with major events in the park and the potential traffic implications for the surrounding residential areas.
- The referenced list of car parking interventions has not been included.

Future Mobility Strategy

- The content could be developed further to identify potential routes and parking sites overlaid on the core movement Strategy, taking into account how the Network Rail / Southeastern approach is to not allow e-scooters on services and in stations and hence catering for them in the general street environment outside stations could be considered.

Policy and Strategy Review

- The section on the Local Transport Plan should be updated to include reference to the new emerging Local Transport Plan.
- There should also be a commitment to adapt the Strategy as part of ensuring that it takes account of evolving policy at the national and Kent-wide levels.

Development Briefs

The following additional comments are made in relation to the opportunity areas:

- The traffic flow arrangements in the vicinity of Maidstone West station should be informed by the outcomes of the experimental one-way system at Barker Road/Hart Street. It is also worth noting that the County Council is seeking to implement capacity improvements at the Broadway/Barker Road junction, subject to securing the necessary funding.

- The proposals for The Mall and Sainsburys suitably seek to capitalise on the scope for improving pedestrian permeability across this area, which carries the added benefit of enhancing accessibility to the bus station. It is apparent that there would be an intensification of uses served via the existing vehicular access onto Romney Place so further work would be required to determine its suitability. Clarification is also needed on how the car parking requirements of Sainsburys will be accommodated.

In light of the above feedback, the County Council would welcome continued dialogue with the Borough Council on taking forward the content of the Strategy. This could encompass concept design reviews, modelling (VISSIM with visualisation) and engagement with the County Council's specialist teams (public transport, active travel, road safety and asset management) and other transport providers.

Public Rights of Way (PRoW)

Overall, the County Council is in support of the Strategy. However, it is disappointing that the PRoW network routes across town have little consideration within the draft material provided. The Strategy should be seen as an opportunity to achieve real change in modal shift, and by inclusion of and investment in existing routes, this change can come about. Active Travel and leisure routes are significant in contributing to improvement of public health and well-being as well as providing safe, attractive connectivity across the town centre.

In respect of the Opportunity Areas, the Lockmeadow area should include specific reference to Public Footpath KMX30 with connections to the Medway Valley Towpath and river frontage. The Strategic Aims Plan should also reference the route.

The County Council supports the riverside connectivity and upgrade (with the necessary PRoW and Access approval secured as required) as it is in keeping with recent development of and investment in the Medway Towpath project. Connections across the river are necessary as mentioned.

The County Council is also supportive of the guidance notes regarding the riverside pedestrian and cycle connections which should be within green open space. There is a need to improve direct walking and cycling route to Maidstone West station which should be considered as part of this Strategy.

In the other areas identified as Opportunity Areas, there are no recorded PRoW. However, the County Council would advise maximising green open spaces for public use and to encourage biodiversity. The County Council would also ask that the document supports the aim of securing development contributions and these must include contributions towards the PRoW network improvements.

The County Council would wish the KCC [Rights of Way Improvement Plan](#) to be included as a KCC strategic document. The Walking and Cycling Strategy 2011-2031 appears to omit the significance of the PRoW network which provides existing routes taking people from where they are to where they want to be. This is particularly the case of the Medway

Towpath recent investment, which connects to Aylesford for both commuting and leisure. Separate, off-road routes are proven to encourage behavioural change for safety and amenity reasons and should therefore be of priority and greater consideration to be given to redesignation of road space to achieve off road routes. There should also be consideration of ensuring PRow routes and other walking routes on the town outskirts link into plans for the centre to improve wider area connectivity. Routes to schools do not appear to feature and this is a serious omission, with Maidstone being the location of numerous secondary schools with pupils coming into the town from the surrounding area.

The County Council would advise that the following PRow routes of significance for town connectivity are referenced within the Strategy - Public Footpaths KMX14, KMX15, KMX16, KMX24, KMX25, KMX27, KMX30, KMX32, KMX33, KB10, KH2. An extract from the Definitive Map can be provided upon request.

Property Strategy

Movement Strategy

The County Council would recommend that there is more specific reference within the Movement Strategy to improving the linkages between the Maidstone East / Sessions end of town and the remainder of the High Street - this would help to bring the Maidstone East end of the town to be better connected with the centre of town.

Town Centre Presentation to Group Leaders

The County Council welcomes the inclusion of Sessions House and Maidstone East as potential residential led / mixed use schemes. The document references *“safeguard Sessions House as a civic asset within an upgraded setting; ensure that any redevelopment provides public/civic ground floor use”*. The County Council notes the area in front of Sessions has been shown as public realm. The County Council will need to establish the level and type of interest for the surplus space in due course.

Town Centre Strategy Opportunity Areas Development Briefs

The County Council notes that Sessions House and the Maidstone East area do not feature as one of the key project sites - with the four sites having been identified as Lockmeadow, Sainsbury's, Haynes Ford, and Maidstone riverside. The Green and Open Space Strategy action areas listed are Maidstone East and Sessions House, Centre North, Centre South, Len Valley, All Saints, Maidstone West and Riverside, and the importance of Maidstone being the county town for the future. This document references that the hard-surfaced setting for Sessions House should be softened. The County Council would therefore ask how these two documents are considered together.

Whilst Maidstone East and Sessions might not be one of the key project sites designated to take forward, the County Council recommends that it would be helpful for the potential uses to be identified as being residential led / mixed use scheme use to provide as much flexibility as possible whilst the plans develop for Sessions House.

Sustainable Urban Drainage Systems (SuDS)

As Lead Local Flood Authority, the County Council supports proposals to deculvert the River Len. With regards to the Sainsbury site, the deculverting of watercourses has multiple benefits which are well documented, including:

- Providing valuable wetland / aquatic habitat, aiding fish passage and significantly adding to the visual attractions of an area.
- Offering educational and play opportunities for children, enhancing pedestrian and cycle routes and giving people a touch of the countryside and its seasons in the town.
- Restoring historic canals for amenity or for navigation by powered and unpowered boats.
- Using water in motion to mask city noise and provide an atmosphere of quiet and calm.
- Complementing other urban regeneration initiatives and bringing commercial benefits such as enhanced image for properties and up to 20% increase in land values or rents.
- Reducing maintenance and construction costs by using natural bioengineering techniques rather than concrete constructions.
- Reducing flood risk, and creating balancing ponds to help reduce flooding downstream.
- Giving a place a sense of identity, because each combination of landform, waterway, bankside buildings and bridges is unique.

(taken from [CIWEM Policy Position Statement – De-culverting of watercourses](#))

With regards to the proposals for the various green spaces and biodiversity corridors, the County Council would strongly encourage the multiple benefits these areas can provide as part of any future design considerations with regards to the management of surface water. The Lead Local Flood Authority is also actively working with Maidstone Borough Council with regards to the Design and Sustainability Development Plan Document.

Heritage Conservation

Heritage Strategy

The goal of the Strategy to “Re-Connect Beautiful, Sustainable and Historic Places” (Mission 2) – will certainly need to draw on Maidstone’s heritage to be successful. The historic buildings, archaeological sites and monuments and historic townscape provide a range of opportunities that can serve to enhance life in Maidstone. They also have vulnerabilities, however, that must be recognised if new growth is not to impact negatively on them and thereby reduce the attractiveness of Maidstone. It would have been preferable if this Strategy could have been preceded by the development of a Heritage Strategy. The goals of a Heritage Strategy are:

- To identify and describe the key themes of relevance of the heritage of the district and the heritage assets that represent them;
- To assess the role that these can play in regeneration and tourism;
- To identify both their vulnerabilities and the opportunities they provide;
- To inform site allocations within the district; and
- To support policy development.

The Borough Council would benefit from such a Strategy which would also be compliant with paragraph 190 of the National Planning Policy Framework (NPPF) which requires local authorities to have a “*positive strategy for the conservation and enjoyment of the historic environment.*” The 2020 Regulation 18 Local Plan consultation contained the goal (‘Policy ENV 1 Development affecting heritage assets’ under ‘Further work to do’ beneath paragraph 9.86) that a Heritage Assets Review and Heritage Strategy should be developed at some point in the future. This should be advanced as it would greatly support the placemaking and design work at the heart of this and future development strategies. The County Council would be happy to further discuss options for the preparation of such a Strategy.

Green Spaces

The draft Strategy rightly highlights the role of green spaces in securing the attractiveness and utility of the proposed development area and this in turn highlights the importance of Maidstone’s historic parks and gardens. If this resource is to play its full role, however, there is a clear need to ensure this approach is evidence based. At present, the main information resource for the local (as opposed to Registered) historic parks and gardens of Maidstone is the 1996 Compendium of Historic Parks and Gardens (the County Council and the Kent Gardens Trust (KGT)). The Compendium needs reviewing in order to ensure that it is brought up to date and that the significance of the Borough’s gardens is properly assessed. Only then can it be used to manage and, where possible, enhance this extremely important resource. The County Council has recently been working on a number of such reviews with the KGT and we would be happy to discuss an update for Maidstone with the Borough Council.

Green and blue infrastructure

Aside from the green spaces, many of the green and blue corridors are themselves historic routes and contain nationally and locally important heritage assets. For example, during the Second World War the River Medway was the GHQ Stop-Line and still contains dozens of pillboxes and defence sites. These constitute a nationally important group of heritage assets. They may not be protected in law as protecting complexes such as this is particularly difficult and scheduling is seen as a management decision, but they need to be respected and protected as though they were statutorily protected sites (in accordance with the NPPF). Detailed surveys would be required to establish if any Second World War features survive in the Lockmeadow or Riverside areas.

Where the River Len flows into the Medway is a constructed mill pond. It is a landmark feature for Maidstone town with the reflection of the Rootes building and the industrial

historic character being highly memorable. This site is particularly sensitive archaeologically in view of its position within the historic complex of the Archbishops Palace. There may have been a mill here during the Medieval Period, forming part of the medieval palace complex, but certainly post medieval mills were sited here and the adaptation of the River Len channel for industrial use just before it enters the River Medway is of key historic importance.

The River Len is also well known for the numerous mills which utilised the healthy flow of the river during the Medieval and Post Medieval periods and perhaps earlier. This distinctive character of the River Len is of special importance within the borough and possibly makes it different to the other minor rivers flowing through Maidstone. An assessment of the heritage of the rivers in Maidstone would be a useful and informative dataset that could help develop the potential of the rivers and enable their effective management.

Placemaking Tools

Maidstone town has been shaped and influenced by a long history, the legacy of which is a strong and rich cultural heritage. In addition to an extensive and important archaeological heritage from prehistory, Roman, Anglo-Saxon and Medieval and later periods, the town contains highly visible built heritage in its medieval and post-medieval buildings and road/lane layouts. A range of industries have shaped the town, including papermaking, brewing, extraction and transportation. Buildings have been constructed from local materials in the form of ragstone, clay and timber. There is therefore a rich resource to draw on when placemaking. Masterplanning will be the key stage in this. New layouts should complement existing historic settlement patterns and should be undertaken sensitively, and existing patterns should be retained as far as possible. We would hope that planners will ensure that developments respect existing settlement in terms of scale, layout and orientation so that the pre-existing historic settlement is not diminished by the new development.

Maidstone does suffer, however, from a lack of placemaking tools to achieve this. As mentioned above there is, as yet, no Heritage Strategy for Maidstone. The Extensive Urban Survey (Historic Town Survey) report for Maidstone is also now outdated (2004) and its approach has been superseded by new characterisation methods such as those deployed in the Metropolitan [Historic Landscape characterisation](#). Many of the Conservation Areas still lack appraisals. The Local List of Heritage Assets seems to have been added to little since the 1970s. These tools all have the potential to contribute to placemaking by helping integrate new development into what is already there and would have been invaluable in preparing this Strategy. The Strategy itself will take years to deliver, however, and there is certainly scope for such tools to be developed and play a role. The County Council would be happy to discuss all the above further.

Design Code

A Design Code should be prepared for each area of the town and should respond appropriately to the historic built environment of that area. This would be a very useful resource in planning future developments, for example, in highlighting the significance of particular structures and areas, identifying how these can and should be modified, and when designing replacement buildings and structures.

The industrial, vernacular and secular history of Maidstone is reflected in the architecture and materials employed in different areas of the town. This provides an incredibly rich resource for informing a Design Code. The various industries that were based in the town over the course of its history can be linked to specific locations, providing design inspiration for the scale and detail of new structures. A successful Design Code should strike a balance between being sufficiently prescriptive but retaining enough flexibility for designers and planners to come up with innovative, bespoke solutions at every scale, from large buildings to street furniture.

The drafting of a Design Code should be heritage-led and will require detailed review by conservation teams at the Borough and County Council to ensure that is appropriate and relevant to Maidstone town itself, rather than being generic and non-specific.

Several areas of the town centre are currently under-utilised, so the placemaking tools and Design Code would be well placed to address this. Some buildings, structures and areas are marred by accretions of negative significance that detract from their heritage value. The Strategy should aim to strip away the elements of negative significance to maximise the public's ability to use and appreciate the inherited built environment of the town.

The re-use of existing buildings – even relatively modern ones – should be a presumption, and a key tenet of every part of the Strategy. Within the construction sector, there is now a clear movement away from demolition due to the waste it generates, its carbon footprint and the energy it requires. In terms of existing historic assets, designated structures are generally well recorded, understood and protected. Use of the untapped and unmapped resource of undesignated heritage assets, including those locally listed structures, should be maximised in the Town Centre Strategy. This would benefit those living/working/visiting the town and would ensure the protection of these assets at the same time. Protecting undesignated heritage assets is a theme that district and borough councils are grappling with at present across the county.

Sustainable drainage schemes

Managing drainage in urban areas is particularly challenging where most surfaces are hard and natural drainage patterns have been eroded. Sustainable Drainage Schemes (SuDS) are therefore critical but these may have both direct and indirect impacts on the historic environment. Direct impacts could include damage to known heritage assets – for example, if a historic drainage ditch is widened and deepened as part of SuDS works. Alternatively, they may directly impact on unknown assets such as when SuDS works damage buried archaeological remains. Indirect impacts are when the ground conditions are changed by SuDS works, thereby impacting on heritage assets. For example, using an area for water storage, or improving an area's drainage can change the moisture level in the local environment. Archaeological remains are highly vulnerable to changing moisture levels which can accelerate the decay of organic remains and alter the chemical constituency of the soils. Historic buildings are often more vulnerable than modern buildings to flood damage to their foundations.

When SuDS are planned, it is important that the potential impact on the historic environment is fully considered and any unavoidable damage is mitigated. This is best secured by early

consideration of the local historic environment following consultation with the [Kent Historic Environment Record](#) (HER) and by taking relevant expert advice. The County Council has produced advice for SuDS and the historic environment, which has been provided to accompany this response. It provides information about the potential impact of SuDS on the historic environment, the range of mitigation measures available and how developers should proceed if their schemes are believed likely to impact on heritage assets.

Re-use of Historic Assets

Although the large-scale development proposed in the Strategy has the aim to form better connections between Maidstone's heritage assets, there is nonetheless a risk that older buildings could be demolished to be replaced by new. This risks increasing the carbon cost of development. Historic England has produced a range of [guidance](#) on the role that heritage can play in mitigating climate change and historic building adaptation. The guidance demonstrates that historic structures, settlements and landscapes can in fact be more resilient in the face of climate change, and more energy efficient than more modern structures and settlements. This could usefully be highlighted in the text as an encouragement to retain old buildings where possible.

Community heritage and cultural facilities

The developments proposed by the Strategy will probably be the largest to take place in Maidstone Town Centre for many years. They provide an outstanding opportunity for community engagement and for supporting Maidstone's cultural realm. The emerging Local Plan included the proposal to seek CIL contributions for educational and community facilities and it is hoped that these would include support for Maidstone Museum. The County Council would also draw attention to the opportunity to carry out community heritage projects aimed at researching and investigating the heritage of the development areas. This will help integrate the new residents into the town and unite the new and existing communities. This has rarely been done in an urban context and there is potential for the Borough Council to take an innovative approach here. The County Council has recently included provision for securing funds for community heritage projects in its own [guidance](#), with a costed example, and the County Council would encourage the Borough Council to do the same.

Sports and Recreation

Active Kent welcomes the use of wayfinding and is supportive of the consideration of the 20-minute neighbourhood.

Consideration would be welcomed as to how wayfinding could be used to connect each area and not just in areas like Central South in isolation.

Active Kent would also welcome consideration of connectivity to the existing sports facilities identified, and how access could be improved to these facilities.

Active Kent questions whether a Pitch Strategy review or Sports Facilities review for the borough are to be prepared and would welcome clarification as to how sport's governing bodies are to be involved.

Culture

In respect of cultural matters, the County Council broadly agrees with the drafted Strategy. It is important to create a focus for Maidstone as a flagship county town whilst also putting the wellbeing of residents and visitors at its centre. The County Council supports the concept of looking at different action and opportunity areas to create focus for a number of developments which can be realised over time.

Recognition of the value of drawing on the rich heritage of Maidstone is encouraged. Furthermore, links between the town centre, the river and its environment should be explored with opportunities for social and leisure activity as well as environmental benefits.

Creative and educational use of town centre buildings is an emerging pattern across the country and one which brings high streets and adjacent areas into more regular use and increases footfall, dwell time and spend, as well as creating opportunities for social interaction. Including external and internal spaces which can be used for event programming is an important part of this process.

The County Council welcomes the discussion with Mid Kent College for a potential partnership to develop a skills programme and pathway to creative careers at the Hazlitt and the potential for use of empty buildings for meanwhile use to include leisure and culture. Ebbsfleet Garden City is piloting an approach to co-location where leisure use sits alongside other community amenities such as GP surgeries or walk in medical centres. This may be a useful model for larger vacant properties and there may be opportunities to pilot a model for social prescribing using such a set up.

The County Council considers that the Old Post Office and Powerhub sites could be explored as creative workspace or business incubation. The South East Creative Economy Network has recently published a [strategy for developing creative workspace](#) which will provide some useful guidance for the Borough Council.

Event spaces may usefully be considered when looking at green space, public realm and pocket gardens through the inclusion of power supplies, podiums or shelter.

The County Council welcomes the principle of general uplifts in character and appearance but would like to see this carried out in a coordinated way which creates a coherence across the town and that designs and materials are relevant to the area and its history and heritage. The County Council welcomes the overall approach to providing baseline lighting considerations to cover safety, security and wayfinding and the protection of dark spaces to support environmental sustainability.

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Growth and Communities

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14 August 2023

BY EMAIL ONLY

Dear Stefan,

Re: Headcorn Parish Neighbourhood Plan (2022-2038) - Regulation 14 Consultation

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

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

2. Setting the Scene – Headcorn Parish

Public Rights of Way (PRoW): In respect of paragraph 2.1, the County Council is disappointed with the omission of the PRoW network and its important place in the landscape of the parish. Significant visual connectivity is provided by the PRoW network and it is requested that the importance of this asset is specifically referenced.

2.ii The history of Headcorn

Heritage Conservation: Although there are few archaeological discoveries from Headcorn dating earlier than the medieval period, such discoveries are not unknown. Several prehistoric artefacts, in the form of stone or bronze axes and axe heads, and iron age coins, have been found in the parish. In addition, a mid to late bronze age vessel in a pit was discovered at Ulcombe Road in 2018 together with late iron age and Roman features, and a late iron age / Roman farmstead may have been found at Little New House Farm.

Many of these discoveries, together with a wider review of the heritage and potential of Headcorn village, can be found in a [historic town survey](#) prepared by the County Council. It is recommended that the findings of this survey are reflected within the draft Neighbourhood Plan.

The draft Neighbourhood Plan then reviews the built environment of the village, however, it should be noted that all these sites, as well as others now lost, will have left an archaeological heritage that could be revealed either by research or during development. This archaeological heritage is also part of the wider heritage of the Neighbourhood Plan area, and should therefore be referenced in the document.

2.ii.a The history of the built environment

Heritage Conservation: The County Council recognises that the text only partially reviews Headcorn's built environment. Although some key heritage assets in the village centre are identified, there are many others that deserve mention. There are at least five medieval moated sites listed in the [Historic Environment Record](#), including the important site of Moatenden Priory. These sites are characteristic of the Low Weald and many of the issues of setting and conservation identified in the draft Neighbourhood Plan apply to them. It would be helpful to see these identified within the Neighbourhood Plan as a site type of particular interest for the local community and worthy of conservation. There are also approximately 70 historic farmsteads (identified as present on the 2nd edition Ordnance Survey map 1897-1900), which should also be mentioned in the document.

3. Vision For Headcorn's Neighbourhood Plan

PRoW: As a general statement, the County Council, in respect of PRoW, is keen to ensure that its interests are represented within the local policy frameworks of the parishes in Kent. The County Council is committed to working in partnership with parish councils to achieve the aims contained within its [Rights of Way Improvement Plan](#) (ROWIP). This aims to provide a high-quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

The County Council is disappointed with the omission of the PRoW network within the draft Neighbourhood Plan, due to the benefits and opportunities the network offers. Headcorn Parish Council is strongly urged to reference the ROWIP within the draft Neighbourhood Plan as this will enable successful partnership working to continue and deliver improvements to the PRoW network in Headcorn. Joint delivery of the ROWIP will ensure significant benefits and potentially provide access to additional funding opportunities.

The County Council strongly advises the inclusion of the PRoW network within Objectives three, four and five, as it provides important access and connectivity. It also reflects the extent to which the PRoW network meets the likely future public need in contributing towards more sustainable development. It is also recommended that policies HNP Policy 3: Connectivity and Access and NHP Policy 4: Infrastructure Provision include reference to the PRoW network.

3.i.a Creating policy objectives to support the Vision

PRoW: It is advised that the Objectives of this draft Neighbourhood Plan have specific reference to the PRoW network and the role of the ROWIP. The PRoW network is a valuable resource that provides significant opportunities in respect of health and well-being, tourism and sustainable transport. The ROWIP can help contribute towards a robust infrastructure that enables development and encourages economic growth.

5. Headcorn Design Guidance

5.v Street scape – maintaining Headcorn’s sense of place

Highways and Transportation: The County Council, as Local Highway Authority, notes that the design of new roads, including the width, layout, materials and street furniture, will need to achieve conformity with the adopted Kent Design Guide (2005). This will ensure that they are suitable for adoption by the County Council as publicly maintainable highway.

5.vi.a Parking

Highways and Transportation: The County Council recommends that the guidance in this section draws attention to the need for development layouts to accommodate the parking needs of cyclists, motorcyclists and the mobility impaired, as part of the overall parking provision.

HNP Policy 3: Connectivity and access

Highways and Transportation: The requirement for self-contained development in criterion 5 appears to conflict with the emphasis placed on connectivity in criterion 1. The County Council recommends that the policy encourages layouts that create permeable neighbourhoods to minimise walking/cycling distances. This policy should also emphasise the importance of achieving direct and convenient access to public transport services, to allow sustainable transport use by residents and visitors.

In respect of criterion 7, it should be noted that the vehicular access arrangements for new development should achieve conformity with the adopted Kent Design Guide (2005).

HNP Policy 4: Infrastructure provision

Highways and Transportation: The residential parking standards quoted in criterion A(1) should be modified to align with the County Council’s adopted standards contained in [Interim Guidance Note 3](#) (2008) of the Kent Design Guide (2005).

The County Council recommends that this policy requires cycle parking provision in accordance with the County Council’s adopted standards in [Supplementary Planning Guidance 4](#) (2006). Transport should also be included as a spending priority for commercial / community developments.

6. Siting, Landscaping and Protecting the Natural and Historic Environment and Setting

6.ii Views

PRoW: The County Council recognises that reference has been made to the Greensand Way promoted route, however, there is no other PRoW included in this paragraph, or on HNP Map 12. It is therefore recommended that these are revised. Views from PRoW require protecting from the impacts of future development and should therefore be included within the draft Neighbourhood Plan to future proof the network.

6.iii Green spaces

PRoW: The County Council advises that the draft Neighbourhood Plan should aim to increase the provision of accessible green spaces and improve opportunities to access this resource. Good public transport and active travel links with open spaces should be made available, so that the public are not dependent on private vehicle use for visiting these sites.

6.v Development in the countryside

PRoW: The County Council recommends inclusion of the following sentence within this section:

“In areas where there would be significant effect on PRoW, the network must also be included in the landscape planning of the infrastructure as a whole”.

Where PRoW would be directly affected by development proposals, plans should clarify intentions for positively accommodating, diverting, or enhancing paths. The draft Neighbourhood Plan should also seek to ensure that proposals do not adversely affect the existing PRoW network or National Trail. It is requested that additional text is inserted into policy wording, stipulating that applicants for new developments engage with the County Council in regard to public rights of way at the earliest opportunity. This would allow the County Council to review proposals for access improvements and consider appropriate developer contributions for PRoW network enhancements.

Heritage Conservation: It should be noted that much of Kent has historically had a dispersed settlement pattern. Development between villages and hamlets, and among farm buildings, would, in many places, be consistent with the historic character of those areas. English Heritage, the County Council and Kent Downs Area of Outstanding Natural Beauty have [published guidance](#) on historic farmsteads in Kent that considers how rural development proposals can be assessed for whether they are consistent with existing character. It is advised that this is taken into consideration in the development of the Neighbourhood Plan.

HNP Policy 2: Siting, landscaping and protecting the natural and historic environment and setting.

Biodiversity: The County Council notes that the results of ecological surveys should inform development design and landscaping.

The County Council recognises that the draft Neighbourhood Plan is encouraging off-site Biodiversity Net Gain to be located within Headcorn Parish. However, this may not be possible, as Biodiversity Net Gain will be restricted to where habitat creation / enhancement can be carried out. While it is important to ensure that there is no overall loss of biodiversity locally, it is worth noting that a strategic approach to habitat creation / enhancement through off site provision may be more beneficial to biodiversity.

7. Connectivity and Access

HNP Policy 3: Connectivity and access

PRoW: The County Council is disappointed with the omission of the PRoW network in this policy. This policy should reflect the County Council ROWIP policy to improve and upgrade the PRoW network where it links with amenities, public transport modes, work and education to increase the attractiveness of walking, cycling and riding as an alternative to driving (Action 2.2, Reference Code EN01). The County Council would ask that there be specific mention of the ROWIP as it is a statutory policy document for PRoW. It sets out a strategic approach for the protection and enhancement of the PRoW network, connecting the wider community and green open spaces, which would benefit the Neighbourhood Plan. There is also an omission throughout the draft Neighbourhood Plan of any map showing the PRoW network within the Parish. This should be amended with the inclusion of Map 16 or an extra Map which can be provided by the County Council upon request.

This policy should include the need for new developments to incorporate good sustainable transport connections within the community with high quality walking and cycling infrastructure available, which can link local amenities together. Replacing private vehicle journeys with active travel should be encouraged. The County Council is also disappointed that there is no mention of active travel objectives within this policy.

It is therefore critical that wording is included to secure funding to ensure that the highly regarded PRoW links are not degraded, as developer contributions can be used to upgrade existing routes or create new path links that address network fragmentation issues. The County Council advises that consideration should be given to the investment of planning obligation contributions and Community Infrastructure Levy (CIL) funding into the PRoW network.

8. Infrastructure Provision

PRoW: The County Council recommends that reference is made to the ROWIP objective 'Improve Green Infrastructure', to improve infrastructure that can develop safe walking and cycling routes both within a new development and to connect to the wider environment. Increasing levels of active travel participation improves public health and well-being, in addition to improving air quality by reducing short vehicle journeys and vehicle congestion. Rural lanes provide useful connections for Non-Motorised Users (NMUs) travelling between off-road PRoW. The potential for additional vehicle traffic along these country lanes is

therefore a concern, as increased movements could introduce safety concerns for NMUs and potentially deter public use of the PRow network.

The County Council notes that new development provides opportunities to secure investment in the PRow network, which could enhance opportunities for active travel and outdoor recreation across the parish. Consideration should be given to the investment of developer contributions to upgrade existing routes or create new path links that address existing network fragmentation and issues highlighted by the public.

Figure 39: How are services and infrastructure rated in Headcorn?

PRow: The County Council recommends that “*Footpaths in the village*” is amended to “**PRow network**” in Figure 39, to demonstrate the opinions of residents on all PRow within the parish.

8.iv Promoting energy efficiency

Heritage Conservation: The County Council notes that the historic environment has a significant role to play in the conservation of resources required for development, and also in energy efficiency. Old buildings can often be more energy efficient than newer ones and have already been built. Thus, it may take fewer overall resources to adapt an old building than to demolish and rebuild one. Historic England has produced a range of guidance on the role that heritage can play in mitigating climate change and historic building adaptation such as the [Climate Change Adaptation Report \(2016\)](#). This guidance demonstrates that historic structures, settlements and landscapes can be more resilient in the face of climate change and more energy efficient than more modern structures and settlements. This has also been updated in the Historic England report [There’s no Place Like Old Homes: Re-use and Recycle to Reduce Carbon \(2019\)](#). The County Council would therefore recommend that this guidance is reflected within the draft Neighbourhood Plan.

HNP Policy 4: Infrastructure provision

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, supports the recognition of flood risk as an issue for the parish. The County Council also welcomes the Vision and Objectives for Headcorn to accommodate flood risk and the impacts that climate change will have on it.

The County Council requests clarification on how criterion C(4) will be achieved regarding who will assess the analysis of the capability of the sewerage systems and wastewater treatment works. The sewerage undertaker has a duty to accept new connections and will make their own assessment of the impacts on capacity.

It is recommended that this policy goes further by requiring that development in the parish, particularly any proposing to connect to the existing drainage network ‘upstream’ of known flooding hotspots (see paragraph 8.20 of the draft Neighbourhood Plan), provides improvements to reduce flood risk off-site.

10. The Economy

10.iii Headcorn Aerodrome

Heritage Conservation: It should be noted that, in addition to being a tourism asset, Headcorn Airfield is also an important heritage asset. The County Council is not aware of whether there has ever been a detailed heritage survey of the site, but it is likely that it contains structures and features of historic importance both within the airfield itself and within surrounding areas, for example, dispersal pens. It is important that these are conserved during normal airfield operations and in the event of any change of use.

Additional Commentary

PRoW: It is requested that the County Council is directly involved in future discussions regarding projects that will affect the PRoW network. This will allow the County Council to advise on the design and delivery of these projects, ensuring that new routes successfully integrate with the existing PRoW network. Future engagement with the District and Parish Council is therefore welcomed to consider local aspirations for access improvements and potential funding sources for the delivery of these schemes.

The County Council requests that the definition and acronym of a Right of Way is included within the draft Neighbourhood Plan. The following definition is advised to be used:




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

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, notes that there is no waste management infrastructure within the Neighbourhood Plan area.

However, there are three safeguarded land-won minerals in the area that are not referenced within the draft Neighbourhood Plan. These are shown below in the Maidstone Borough Council Minerals Safeguarding Areas proposals map within the adopted [Kent Minerals and Waste Local Plan](#) (KMWLP) (2013-2030).

Maidstone Borough Council Minerals Safeguarding Areas Proposals Map



-  Sub - Alluvial River Terrace Deposits
-  River Terrace Deposits
-  Limestone - Pauldina Limestone, Weald Clay Formation

Although the draft Neighbourhood Plan is not seeking to allocate any additional residential development, speculative development proposals may still come forward on unallocated sites in order to address any identified future needs.

Therefore, any future development that would be constrained by these land-won safeguarded minerals would need to be considered against all the relevant adopted Development Plan policies. It is recommended that the draft Neighbourhood Plan includes an understanding of these safeguarded minerals and the following policies of the adopted KMWLP - Policy CSM 5: Land-won Mineral Safeguarding and Policy DM 7: Safeguarding Mineral Resources.

The County Council 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,



Stephanie Holt-Castle
Director for Growth and Communities



Growth and Communities

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BY EMAIL ONLY

14 August 2023

Dear Grace,

Re: Fawkham Parish Neighbourhood Plan - Regulation 14 Consultation

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

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

Section 1: Introduction

Involvement in the Neighbourhood Plan Process

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure that its interests are represented with respect to its statutory duty to protect and improve PRoW in the county. It should be noted that PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic.

The County Council is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the County Council [Rights of Way Improvement Plan](#) (ROWIP) (2018-2028) and '[Framing Kent's Future](#)' strategy (2022-2026). The County Council 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 notes that the draft Neighbourhood Plan makes no reference to the County Council ROWIP, which is a statutory strategic document. It is recommended that this document is referenced and given due consideration within the Neighbourhood Plan, as it

will assist successful partnership working, deliver improvements to the PRow network in the parish, and assist in the exploration of funding opportunities.

The County Council is pleased to note that local residents value opportunities to access their local landscape. The Parish Council's Countryside Survey 2021 showed almost 50% of residents walk daily in the countryside and many comments noted the enjoyment of views from the parish's public paths. However, this survey also identified that residents are concerned with the amount of local vehicular traffic preventing them from enjoying walking in their local environment. Concerns were also raised with the low amount of cycling undertaken by residents (also recognised within the supporting Transport Evidence Report). The County Council therefore requests that the comments within this response are taken into consideration to ensure that the draft Neighbourhood Plan will assist in improving access for the benefit and enjoyment of existing and future residents.

Section 5: Neighbourhood Plan Policies

Environment

Policy FNP1 – Protection and Enhancement of Landscape Character

Biodiversity: The County Council would recommend that this policy is amended in order to seek improvements to the lighting information that is submitted by developers at planning application stages and provide a better understanding of the extent of information that is required. Implementation of the policy will be of benefit to residents and biodiversity through the reduction of light spill and glare. The following amendments to this policy are based on guidance published by the Institute of Lighting Professionals:

- i) *“comply with the current guidelines on the Reduction of Obtrusive Light for rural areas (zone E2) set out by the Institute of Lighting Professionals **and the Bat Conservation Trust Guidance Note 08/18 (or later amendments) as a minimum;***
- ii) *include full details of the proposed lighting to be installed (number, design, specification, position, **height, angle** and method of control), **documented within a Lighting Plan (or Strategy for larger sites).***
- iii) **Selection of lighting:**
 - a. **LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability. All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources should not be used;**
 - b. *limit the correlated colour temperature of lamps to 3000 Kelvins or less (ideally 2700K);*
 - c. **PIR sensor controls will be used for security lighting and set to short (1 minute) timers;**
 - d. **lighting will be positioned at low height to reduce spill;**
 - e. **luminaires will have an upward light ratio of 0% and be mounted on the horizontal, i.e., no upward tilt. All uplighting to be avoided.**

- iv) **The lighting plan/strategy should include the following to show that proposals will be designed to avoid or minimise impacts on retained/proposed habitats and all associated wildlife, including but not limited to legally protected and priority habitats and species:**
- a. **a pre-development baseline lighting assessment;**
 - b. **contour plans indicating a horizontal plane calculation, representing ground level, and a vertical plane calculation to show illumination at various heights;**
 - c. **measures taken to reduce glare;**
 - d. **full shielding (at the horizontal and above) of any lighting fixture exceeding 500 initial lumens;**
 - e. **Dark buffer zones to separate wildlife habitats or features from lighting. Where ‘complete darkness’ on a feature or buffer is required, illuminance is required to be below 0.2 lux on the horizontal plane and below 0.4 lux on the vertical plane;**
 - f. **where buildings are proposed in proximity to key features or habitats, and/or a high degree of glazing is proposed, Lux contour plots should also model the contribution of light spill through nearby windows, making assumptions as to internal luminaire specification and transmissivity of windows. Contour plans should incorporate any mitigation measures proposed to reduce impacts from external and internal lighting, including sensitive positioning / recessing of internal lighting, use of cowls, and/or tinted glazing treatments.**
 - g. **The calculations should be based on output of luminaires expected at ‘day 1’ of operation, where the luminaire and/or scheme Maintenance Factor is set to zero.**

*Floodlighting to enable the use of sports facilities will need strong justification and will be required to have time restrictions and automated controls for **lighting colour/temperature**, switch off and dimming with reference to the Guidance Notes for the Reduction of Obtrusive Light, the Institute of Lighting Professionals 2021, the [Bat Conservation Trust Guidance Note 08/18](#) and any subsequent revisions.”*

Policy FNP2 – Woodland, trees and hedgerows

Biodiversity: The County Council would recommend that paragraphs (a) and (d) of this policy are revised to demonstrate alignment with national policy and legislation and in particular, the National Planning Policy Framework (NPPF) (2021) and [Natural England Standing Advice](#) for Local Planning Authorities. The proposed amendments to this policy are as follows:

- a) **“protect Ancient Woodland, as defined on Map 2, and ancient and veteran trees in accordance with Natural England Standing Advice and paragraph 180 of the NPPF, which states that “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”. The Natural England/Forestry Commission**

standing advice states that there should be a minimum 15m buffer zone between development and ancient woodland.

- d) **use an appropriate mix of native species only, to enhance biodiversity and maintain the ecological integrity of the existing habitats.”**

Policy FNP5 – Conserve and Enhance Biodiversity

Biodiversity: The County Council would recommend that this policy is amended to ensure that the text complies with national policy and legislation. Specifically, the NPPF and the Biodiversity Net Gain (BNG) requirements of the Environment Act (2021):

- a) **“protecting Local Wildlife Sites, as defined on Map 2, protected and *priority species, and insect biodiversity, including pollinators;***
- b) *preserving or enhancing linked corridors and ecological networks formed by woodland blocks, shaws and hedgerows, as defined on Map 2; and*
- c) *enhancing biodiversity through net biodiversity gains, to include:*
 - i) **BNG to meet the requirements of the Environment Act 2021 or any legislation replacing this Act. All planning applications in England (with a few exemptions) will have to deliver at least a 10% BNG. The latest Defra biodiversity metric will need to be used to demonstrate a minimum 10% biodiversity net gain. Habitats created/enhanced to achieve net gain will require a detailed management plan and be secured for at least 30 years. The BNG calculation should be evidenced within a biodiversity gain plan submitted as part of the planning application.**
 - ii) **Biodiversity net gain measures to meet the requirements of NPPF 2021 (or any policy document replacing this), for example additional native species planting, integral or wall/tree-mounted habitat boxes for bats, breeding birds and insects, areas of standing deadwood for invertebrates, and hedgehog boxes and connectivity ‘highways’ at the base of fencing. These measures should** ~~associated with development with enhancements which~~ *focus on protected and priority species known to be present in the Parish, and, where appropriate, priority given to the creation/restoration of species-rich grasslands, hedgerows, woodland and/or improved management of these habitats. Where new development is proposed, an appropriate depth of buffer must be provided between the development and any protected habitat. The size of that buffer shall be appropriate to safeguard the significance of that habitat and must itself create, and be maintained as, a suitable complementary natural wildlife haven. All proposals must include a detailed management plan to ensure successful enhancement in the long term.”*

Policy FNP7 - Surface Water Flooding

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, supports the recognition of flood risk as an issue for the parish. The County

Council also welcomes the Vision and Objectives for Fawkham to accommodate flood risk and the impacts that climate change will have on it.

The County Council recommends that Policy FNP7 could further require that development in the parish, particularly any proposing to connect to the existing drainage network 'upstream' of known flooding hotspots, provides improvements to reduce flood risk off-site. It is recognised that this may be a requirement more suited to the emerging Sevenoaks Local Plan, however, the Neighbourhood Plan could also include this requirement.

Leisure and Wellbeing

PRoW: The County Council recognises that Objective 12 aims *'To protect and enhance open space and the network of footpaths serving the Parish'*. This is to be satisfied by Policy FNP14: Protection of existing PRoW and historic routeway – *"The alignment and character of existing public rights of way and historic routeways, as shown on Map 10, will be protected and enhanced."* However, the draft Neighbourhood Plan does not detail what form this protection and enhancement will take, how such will be delivered, or how the condition of the PRoW network will be monitored to determine the success of the policy. The Neighbourhood Plan Steering Group is advised to consider these points and revise the draft Neighbourhood Plan accordingly, prior to its Regulation 16 consultation.

Possible ways to enhance the local PRoW network include creating new PRoW, which could assist to avoid using the local road network, and upgrading the status of certain existing PRoW from Public Footpath to Public Bridleway. The latter would establish public rights to use these routes by cyclists and horse riders, therefore providing a valuable facility that presently does not exist in the parish (there are currently no Public Bridleways in the parish). The supplementary Informal Outdoor Recreation Evidence Report identifies *"at least a dozen stables"* within the parish, however, the lack of bridleways will limit equestrian access to and enjoyment of the countryside, which many would consider a character of rural environments. The County Council would therefore encourage reference to the County Council ROWIP, specifically Action 2.5 - *"work to secure higher status routes (bridleway, restricted byway) to provide access for the greatest range of users"*.

Local Infrastructure

PRoW: The Neighbourhood Plan has positively identified within this section that funding for local improvements could be secured from various sources. It identifies opportunities to enhance the parish, with potential projects listed in Appendix 3. The County Council understands that these sections are referring to the Open Space Assessment Audit within the Supporting Documentation, as 'Ideas for improvement' are listed for each site. If the Open Space Assessment Audit is regularly updated, it will evidence the parish's need for improvement when Sevenoaks District Council seeks to deliver any future Infrastructure Development Plan and therefore any funding available. It will also be useful if the County Council seeks to enhance access in the parish. Possible projects could include the upgrade of Public Footpaths to Public Bridleways; replacing existing Public Footpath stiles with gaps or gates (as stated in the 'Leisure and Wellbeing' section on PRoW); or laying compacted stone surfacing. The County Council would welcome the opportunity to engage with the Neighbourhood Plan Steering Group in order to take such projects forward.

The Neighbourhood Plan Steering Group may wish to consider working with neighbouring parish councils to develop and deliver access schemes, as this would likely enable resources to be pooled to benefit residents of more than one parish. The potential for Fawkham Parish residents to access other neighbourhoods, such as Hartley or New Ash Green, to enjoy wider local services as much as recreation, would be greatly enhanced.

The Neighbourhood Plan Steering Group is advised to adopt the County Council's suggestions, as this will support the County Council's aims to enhance off-road access within Kent. It will also encourage the concept of active travel, which is a key policy for the County Council, and is expected to be part of Sevenoaks District Council's emerging Local Plan 2040. The County Council would recommend that reference is made to active travel, given the need to acknowledge and conform to local planning policy. It is advised that a glossary is created, including the definition of active travel contained within the [Active Travel Strategy](#). This will ensure that references are consistently interpreted so developers and Sevenoaks District Council give it due weight in preparing and determining future planning applications.

Appendix 3: Projects - Opportunities leading on from the Neighbourhood Plan

Highways and Transportation: The County Council, as Local Highway Authority, notes that Fawkham Parish Council has a Highway Improvement Plan (HIP) which has been developed in association with the County Council's Highway Improvements Team. The HIP covers the transport issues highlighted within this draft Neighbourhood Plan, and the Local Highway Authority will continue to work with the Parish Council through the HIP process.

Additional Commentary

PRoW: The County Council recognises that the draft Neighbourhood Plan does not propose to allocate sites for development within the parish. The County Council would recommend consideration of the following NPPF paragraphs that are relevant to PRoW; 92, 93, 98 100, 104, 106 and 112. Paragraph 112b is particularly important, as there is no mention of the access needs of people with disabilities or reduced mobility within the draft Neighbourhood Plan.

The County Council 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



Stephanie Holt-Castle
Director for Growth and Communities



Growth and Communities

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8 September 2023

BY EMAIL ONLY

Dear Sir / Madam,

Re: Pluckley Neighbourhood Plan Review (2016-2031) - Regulation 16 Consultation

Thank you for consulting Kent County Council (KCC) on the Pluckley Neighbourhood Plan Review, 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.

3. Content and Methodology

Biodiversity: The County Council acknowledges that wildlife and ecology are referred to throughout the Neighbourhood Plan, however, it is recommended that there is a section dedicated to ecology to ensure focus on this important area of consideration. This should require all development to ensure that it is designed to follow the mitigation hierarchy, which is particularly relevant with the forthcoming Biodiversity Net Gain legislation from the Environment Act 2021. Developments should also aim to ensure that ecological connectivity through the Neighbourhood Plan area and beyond is maintained and enhanced.

The County Council would also advise that requirements for biodiversity enhancements should be incorporated into all new development.

5. Our Vision for Pluckley

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure that its interests are represented within the local policy frameworks of the parishes and towns in Kent. The County Council is committed to working in partnership with the Pluckley

Neighbourhood Plan Steering Group to achieve the aims contained within the County Council [Rights of Way Improvement Plan](#) (ROWIP).

The County Council recognises that limited reference is made to the PRow network and the ROWIP. The ROWIP is a key policy document and the Pluckley Neighbourhood Plan Steering Group is urged to reference this within the Neighbourhood Plan, particularly in respect of sustainable travel and movement. This will enable successful joint partnership working to continue, which can support the delivery of improvements to the PRow network – for example, as mentioned within the ROWIP key themes ‘Evolution of the Network’ (EN04), ‘Rights with Responsibilities’ (RR01) and ‘Efficient Delivery’ (ED02). Joint delivery of the ROWIP will ensure significant benefits and potentially provide access to additional funding opportunities (Efficient Delivery - ED07).

The County Council would recommend that the Neighbourhood Plan includes an aim to provide high quality routes for pedestrians and cyclists to encourage more people to use sustainable modes of travel. This will bring health benefits to the local community and help to address vehicle congestion on the road network, by providing realistic alternatives to short distance car journeys. This can be achieved by working in partnership with the County Council to improve the existing network and identify opportunities for further evolution.

6. Managing the Rural Environment

PRow: The County Council would advise that the Neighbourhood Plan encourages and ensures connectivity is achieved without short car journeys, and that views and tranquillity are protected. Specific policy reference should also be made to the PRow network and any potential impacts on the character of the landscape, ensuring that views and user enjoyment are not harmed.

To ensure that funding opportunities can be accessed, the County Council would recommend that specific mention is given to the PRow network, the opportunities for connectivity and the benefits that are provided - for example, in respect of public health and tourism.

7. Housing

PRow: The County Council recognises that the contribution of the PRow network to sustainable communities is not mentioned within the Neighbourhood Plan. Development provides opportunities to create new links and enhance existing routes, which can encourage active travel. Policies should therefore clearly state that new developments should provide sustainable transport choices, with provision for walking and cycling routes that provide realistic alternatives to short distance car journeys. All relevant policies relating to growth and sustainable transport should include reference that any development **“incorporates, protects and (not or) enhances existing PRow, including Public Footpaths, Bridleways, Restricted Byways and Byways Open to all Traffic, as well as cycle routes”**.

Policy H1A – Windfall sites within or close to built-up confines

PRoW: The County Council recognises that only one site is identified as a windfall site (Thorne Garages). However, the Neighbourhood Plan should provide reference to the need for new development to provide opportunities for appropriate investment in the PRoW network, which can enhance opportunities for active travel and outdoor recreation across the wider parish. The County Council would welcome future engagement with the Pluckley Neighbourhood Plan Steering Group to consider local aspirations for these access improvements, which could be delivered through developer contributions.

Policy H2B - Encouraging Sustainable Development

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, notes that Policy H2B contains reference to the incorporation of SuDS to serve new developments. However, there is only a single reference made relating to surface water drainage or runoff. The County Council would therefore advise that this policy is amended and strengthened by including two new paragraphs:

“All major developments within the parish must strive to achieve greenfield runoff rates where possible. Where this is not possible, it must be demonstrated that there would not be an increase in flood risk to the neighbouring area.”

“Any future developments should ensure that the drainage system constructed is able to operate for the lifetime of the scheme and appropriately consider the future impacts from climate change. This must consider the increased frequency, duration, and intensity of storms, in line with wider published guidance.”

8. Economy and Communications

PRoW: The County Council notes that tourism is rightly identified as an important industry for the parish, and the landscape is a key attractor. Sustainable tourism supports rural areas and community services, and provides employment opportunities. The PRoW network and the ROWIP have a critical role in this, and policies in the Neighbourhood Plan should therefore mention the County Council’s support for improvements to walking and cycling routes where they can assist the Pluckley Neighbourhood Plan Steering Group’s tourism objectives.

9. Community and Leisure

PRoW: The County Council would advise that the PRoW network is included as part of the aim to protect the health and well-being of the community. The PRoW network provides substantial opportunities for active travel and outdoor recreation, and the ROWIP key theme ‘Active Lifestyles’ seeks to increase health and wellbeing benefits and address health inequalities. ‘Walking for Health’ walks can also lead to improvements in health, and active travel can aid reduction in air pollution levels through changes in transport modes.

The County Council recommends that policies should aim to increase the provision of accessible leisure and recreation spaces, and improve opportunities to access this resource with good public transport and active travel links. This will ensure that community facilities are easily accessible, so that residents and visitors are not dependant on private vehicle use for travelling across the parish.

10. Community Projects Management Plan

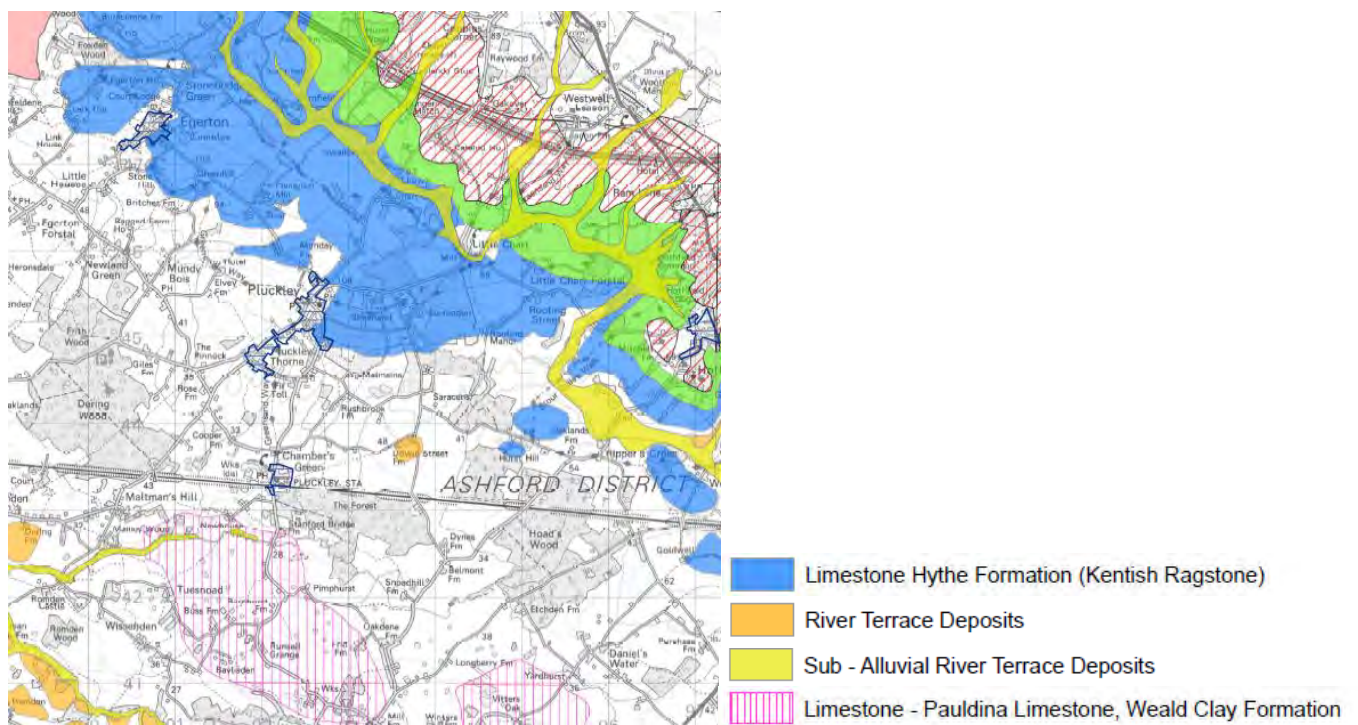
PRoW: The County Council would welcome future engagement with the Pluckley Neighbourhood Plan Steering Group to consider local aspirations for PRoW network improvements and potential funding sources for the delivery of these schemes.

Additional Comments

PRoW: It is recommended that the Neighbourhood Plan includes a PRoW Map for viewers to identify the locations of PRoW. A copy of the Definitive Map should be held by the Pluckley Neighbourhood Plan Steering Group, but is available upon request¹.

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, can confirm that there are no safeguarded waste management or mineral handling, processing and transportation infrastructure within the Neighbourhood Plan area. However, there are four safeguarded land-won minerals that occur within the Neighbourhood Plan area, as shown in an extract below from the Ashford Borough Council Mineral Safeguarding Area Proposals Map:

Ashford Borough Council Mineral Safeguarding Area Proposals Map



¹ prow@kent.gov.uk

The County Council recognises that none of the safeguarded minerals are directly harmed by the proposed development in the Neighbourhood Plan area. However, it is recommended that the Neighbourhood Plan acknowledges the presence of these safeguarded minerals, particularly the extensive Hythe Formation (Kentish Ragstone) to the immediate east and north of the main settlement at Pluckley.

If windfall housing planning applications occur in these areas, a full Minerals Assessment would have to be undertaken. This should assess if there is a justification to override the presumption to safeguard the minerals (Policy CSM 5: Land-won Mineral Safeguarding of the [Kent Minerals and Waste Local Plan 2013-2030 \(Early Partial Review 2020\)](#) from the exemption criteria under Policy DM 7: Safeguarding Mineral Resources. The County Council would advise that the Neighbourhood Plan references the need for a Minerals Assessment to comprehensively reflect the policies of the adopted Development Plan for the area.

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

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