

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

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only. Section 1 - New road, 1km in length, connecting Whitfield Urban Expansion to Tesco roundabout at Honeywood Parkway via new overbridge over A2. Access to bridge will be controlled by bus gates. Section 2 - New road, 1.1km in length, connecting B & Q roundabout on Honeywood Parkway to Dover Road, near Frith Farm, with access to Dover Road controlled by a bus gate. Providing access to future phases of White Cliffs Business Park at Dover Fastrack - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

A report by Head of Planning Applications Group to Planning Applications Committee on 13th January 2021.

Application by Kent County Council for Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only. Section 1 - New road, 1km in length, connecting Whitfield Urban Expansion to Tesco roundabout at Honeywood Parkway via new overbridge over A2. Access to bridge will be controlled by bus gates. Section 2 - New road, 1.1km in length, connecting B & Q roundabout on Honeywood Parkway to Dover Road, near Frith Farm, with access to Dover Road controlled by a bus gate. Providing access to future phases of White Cliffs Business Park at Dover Fastrack - Land to the north of Dover and to the south of Whitfield, Kent

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Geoff Lymer

Classification: Unrestricted

Site

1. The application site is made up of two distinct areas referred to as Section 1 and Section 2 for the purposes of the planning application and in total comprises an area of 15.5 hectares and lies approximately 3km north of Dover. Section 1 lies to the north of and crosses over the A2 and forms part of the Whitfield Urban Expansion, whilst Section 2 lies to the south of the White Cliffs Business Park. The site is predominantly located on and crosses agricultural land bounded by established hedgerows and trees. The community of Buckland is to the south of the site, Whitfield to the north-west and Guston to the north-east. The application plans are provided in Appendix 1. To the east of Section 2 of the Fastrack scheme (on the White Cliffs Business Park site) is the recently proposed location of an additional Inland Border Facility, permission for which would be

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

considered by the Ministry of Housing, Communities and Local Government under a Special Development Order. Please see paragraphs 115-116 for additional information regarding this proposal.

Background and Planning History

2. There have been a number of planning applications on and around the site, but most notable are those associated with the Whitfield Urban Expansion and the White Cliffs Business Park. The applicants have noted in their planning statement that the proposed development has been designed with these schemes in mind to make sure that all development is complimentary and deliverable. As the planning history is extensive the list has been included as Appendix 2 to this report.
3. Dover Fastrack would be a form of Bus Rapid Transit (BRT) which is defined as “a flexible, frequent, dependable bus transit system that combines a variety of physical and operating elements into a permanent and integrated system with a quality image and unique identity”. It is intended that Dover Fastrack would be a form of public transport which would provide a faster, more reliable and more comfortable journey for passengers compared to conventional bus services. In order to provide a faster journey time, road space would need to be allocated to give priority to BRT vehicles. BRT systems also require bus priority at junctions with a limited number of stops and real time information at those stops. BRT is not a new idea and has been employed in many towns and cities in the UK, most notably for Kent, the existing FastTrack in Dartford and Gravesham. Dover Fastrack is how the scheme is referred to in the report and how it would be known once operational, but references to a Bus Rapid Transit scheme are also made in the report as this is how the principle of this type of development was referred to in earlier Planning Policy documents, in particular those set out in paragraphs 36-42.
4. The proposed Fastrack as described in the proposal section below, would be for bus, cyclists, pedestrians and emergency vehicles only. When the surrounding parcels of land for the Whitfield Urban Expansion and White Cliffs Business Park are built out the two sections of road would provide access to these, but the bus gates and ANPR (Automatic Number Plate Recognition) cameras would restrict through traffic so that only the above vehicles would be able to access the bridge over the A2 or access onto/from Dover Road.
5. The concept of an express bus service for Dover has been proposed in a range of studies commissioned by both Dover District Council (DDC) and Kent County Council dating back to the mid to late 2000’s. Different routing options for the link between the White Cliffs Business Park and the entrance to Connaught Barracks were commenced in 2010, and at this stage three routes were assessed against a range of criterion including land ownership, length of route, cost of construction, permeability, landscape, ecology, trees and residential amenity. Ahead of the submission of the planning application, both DDC and KCC have undertaken a wide range of engagement with the public and both statutory and non-statutory stakeholders to inform the proposed development. The most recent round of public engagement was held in July 2020 and due to Covid-19 was held ‘on-line’ with engagement materials communicated to stakeholders via non-contact methods including digitally and via the post.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

Environmental Impact Assessment (EIA) Screening

6. The applicants submitted an EIA Screening request to KCC on 29th October 2019, noting that the site is located within a 'sensitive area' as defined in Part 1, Regulation 2(1) of the EIA Regulations 2017. Section 3 of the route (which comprises the end of Section 2 southwards to the junction of the A258 and Castle Hill Road), whilst not requiring planning permission, is located within the boundary of a Scheduled Monument, namely Fort Burgoyne. It was therefore necessary to assess whether the Proposed Development was 'Schedule 2 Development' as per the EIA Regulations and whether it would have significant effects on the environment, taking into account the criteria set out in Schedule 3 of the EIA Regulations.
7. The EIA Screening request concluded that the proposed development would not be likely to cause significant environmental effects, therefore it did not require an Environmental Statement pursuant to the Regulations. This conclusion was reached in light of the scale and nature of the proposed development at the site and that the type and characteristics of any potential effect would, with mitigation, not lead to significant effects. In response to the EIA Screening Request, the County Council advised in their EIA Screening Opinion (dated 18th December 2019) that the proposed development did not constitute EIA development and as such an Environmental Statement was not required to support the planning application.
8. The Screening Opinion noted that the development was not of a scale or nature that would result in wide ranging environmental affects and would not have unusually complex and potentially hazardous environmental effects. It went on to state that whilst the physical changes would have a localised visual impact and result in changes to levels, some loss of trees, vegetation and habitat, and potential impacts on protected and other wildlife species, these impacts could be adequately mitigated by new planting, route alignment and the management and precautionary measures that are proposed.
9. When the application was submitted earlier this year, the red line of the proposed development had been amended slightly from that included in the EIA Screening request submitted in October 2019. A further Screening Opinion was therefore carried out by the County Council, issued to the applicant on 28th September 2020, which concluded that the proposed development would not be likely to have significant effects upon the environment by virtue of its nature, size or location, as the original Screening Opinion had found.

Other works

10. Whilst Sections 1 and 2 of the Fastrack scheme require planning permission, a third section would fall under permitted development rights and not therefore require a planning application. Section 3 is a 1.3km stretch of road which extends from where Section 2 ends, at the junction of the road south of Frith Farm, down along Dover Road to the junction of the A258. This stretch of development is bounded by open fields and woodland to the west with a row of residential properties for part of the route; and a residential development, Burgoyne Heights, and Connaught Barracks and Fort Burgoyne to the east.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

11. The proposed development includes the enhancement and maintenance of the 1.3km stretch of Dover Road, which would be widened to facilitate passing points and visibility splays for road users as well as the provision of bus stop and associated layby and other engineering and enhancement works. The development would not affect or include land within the Fort Burgoyne scheduled monument or the grade II listed gate lodges and walls of the Duke of York's Royal Military School. The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2 (Permitted development rights), Part 9 (development relating to roads), Class A (development by highways authorities) allows for development on land:

“(a) within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involved development by virtue of section 55(2)(b)(g) of the Act; or

(b) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.”

12. In providing the EIA screening response, outlined above, the County Council confirmed that Section 3 of the scheme would be permitted development as it comprises of improvements to a highway by the Highway Authority within the boundaries of the highway and otherwise adjoining the boundaries of an existing highway which does not require an EIA can be carried out as permitted development pursuant to Part 9 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
13. The applicant therefore excluded this section of the road from the planning application and have advised that they will be submitting a Certificate of Lawful Development application before this work is carried out.

Proposal

14. **Section 1** of the proposed development would see the creation of a new stretch of road extending from the south of Phase 1A of Whitfield Urban Expansion, and then running in a south-westerly direction across the open fields. The road then turns to run approximately parallel with the A2, before rising up on an embankment and turning to cross over the A2 as part of a new bridge across. The bridge would span the A2 to land on a further raised embankment which would then descend between the Dover District Council offices to the west and Tesco to the east, before connecting with the roundabout on Honeywood Parkway.
15. The carriageway of the road would be two lanes wide (allowing traffic to travel in both directions) with a verge running along the southern/eastern side of the carriageway and a shared cycleway and footpath running along the northern/western edge of the road. The carriageway width would vary between 7.9m wide and 7.3m wide (the wider sections to allow for the bends in the road and for buses to pass by the pedestrian crossings), whilst the verge width would be 1.6m and the shared footway and cycle way 3m wide. A post and wire fence would be provided along the edge of this shared route.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

16. To the north of the A2 the embankment would rise up from ground level at a gradient of 1:3 and would at its highest point (just before crossing the A2) be 9.8m above existing ground level. The bottom of this incline to the top would extend over a distance of approximately 26m, varying slightly due to the curve in the road. Around the bottom of the embankment the area would be landscaped with wildflower grassland and tree planting, and would also incorporate the proposed swale, alongside a public right of way which would run along the bottom edge of the embankment. A stepped pedestrian access from this lower public right of way up the embankment to the shared footway/cycleway along the edge of the road would be provided.
17. Two uncontrolled pedestrian crossings would be provided towards the northern end of the new road and a further crossing provided at the southern end of this Section close to the roundabout on Honeywood Parkway. A further uncontrolled pedestrian crossing would be provided approximately half-way along the new stretch of road (north of the A2) to allow the Public Right of Way ER54 to cross the new road. The public right of way would go directly across the road and then run to the north of the maintenance bay and along the northern side of the drainage features, and then run all the way along the base (northern edge) of the embankment, joining up with public right of way ER71 which runs directly along the rear of the gardens of the properties in Newlands. A separate application has been submitted to the Public Rights of Way Team for the proposed realignment of this route. From the crossing point of the PROW and the proposed road, access to the shared footway and cycle way running alongside the road would also be available.
18. The bridge itself would cross the A2 at a slightly skewed angle and would have a span of 28.85m from the north support to the south support – these supports being located at the outer edges of the A2 carriageway and hardened verge. The headroom between the carriageway and the bottom of the bridge would be a minimum of 5.3m. The north and south supports would consist of 5 reinforced concrete piles, topped with a pile cap and then 5 concrete columns rising to the underneath of the bridge deck. These supports would sit adjacent to the reinforced earth embankment. To the south of the A2 the new road would be supported by a new vertical retaining structure on the eastern side and an embankment of the western side (by the shared footway/cycleway). A 1.5m high metal parapet would run along both edges of the bridge for safety with anti-climb panels.
19. To the north of the A2, the ANPR bus gate would initially be sited close to the existing phase of the Whitfield Urban Expansion, but would then be relocated to a permanent position close to the start of the embankment once the housing development for all phases of the Whitfield Urban Expansion have been completed. The ANPR bus gate and no entry signs for prohibited vehicles at the other end of Section 1 of the road would be provided directly at the roundabout junction on Honeywood Parkway.
20. A maintenance access is proposed immediately to the south of the A2, to the east of the proposed bridge by the Highways England drainage basin. Three areas are shown as indicative areas for site compounds within the overall red line. Two would be located south of the A2 and to the west of this section of the road, one immediately adjacent to the A2 and one by the proposed junction at the Honeywood Parkway roundabout. The third is shown immediately to the north of the A2 to the east of the new road.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

21. The scheme would utilise sustainable urban drainage systems for the treatment of surface water, with a swale constructed to run along the edge of the footpath at the base of the embankment to the north of the road and a series of drainage channels to the southern side of the road. Water flows would be directed into Biobasins¹ which would be located adjacent to the junction with the roundabout on Honeywood Parkway, one at the start of the embankment and one closer to the existing housing development on the Halsbury Homes site. Grasscrete maintenance access bays are proposed for these Biobasin features. In addition, two shallow swales would be provided to the east of the new road where it abuts the existing housing development scheme being built out.
22. **Section 2** of the proposed development would see the creation of a second stretch of road which would run in a generally southerly direction from a new fourth junction at the B&Q roundabout in the White Cliffs Business Park, before turning eastwards/south-eastwards to cut across to Dover Road. The carriageway would once again be a minimum of 7.3m wide, although as above wider in places to allow for bends in the road and road design. It would be formed of two lanes allowing for buses travelling in both directions. A shared cycleway and footpath would be provided on the western/southern side of the carriageway, separated from the carriageway by a verge. A grassed verge would also be provided on the opposite side of the road. A combination of both post and wire fencing and metal post stock proof fencing would run along both sides of the proposed road separating it from the open fields beyond.
23. The proposed road would pass across the path of the public right of way ER60, which is a Byway Open to All Traffic (BOAT) and forms part of the 156 mile long North Downs Way National Trail. A field access and an equestrian waiting area are proposed at the point where the right of way would cross the new road.
24. Initially the ANPR bus gate would be located at the junction of the B&Q roundabout, but this would be relocated further east along the scheme when the White Cliffs Business Park has been fully developed. At the eastern end of the scheme, the ANPR gates would be located just inside the junction with Dover Road.
25. There would be an uncontrolled pedestrian crossing point just to the south of the roundabout (crossing to a hard standing in the middle of the carriageway) and a further uncontrolled crossing just before the junction of the new road with Dover Road. Two bus stops are provided at this Dover Road end of the scheme. The cycle/footway would extend south along the western edge of Dover Road until it meets the existing residential development on this side of the road, and also extend to the north along Dover Road before becoming just a footway.
26. As with Section 1 'Biobasins' would be provided for surface water drainage – one to the east of the proposed road at the junction with the B&Q roundabout, one just to the east of the public right of way ER60 where it crosses the new road, one to the north of the proposed road just to the west of its junction with Dover Road and a fourth one just to the south of the property 'Arleigh' located on Dover Road. Highway filter drains would run along the northern edge of the carriageway and a drainage channel along the southern edge. Grasscrete maintenance access bays are proposed for these Biobasin features. Indicative areas for site compounds are shown just to the west of the

¹ A drainage balancing pond

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

proposed junction with Dover Road and to the east of the proposed road to the south of the B&Q superstore.

27. It is forecast that at its peak, there would be 4 buses per hour in each direction between the hours of 05:00 and 00:00, equating to a total of 152 buses per day. Each section of the road would be lit with 10m high lighting columns along the length of the proposed carriageway.

Planning Policy

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

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

In determining applications, the NPPF states 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:

- significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (*paragraph 80*);
- public rights of way should be protected and enhanced, including taking opportunities to provide better facilities for users (*paragraph 98*);
- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people. Opportunities to promote walking, cycling and public transport use should be identified at the plan making stage and pursued (*paragraph 102*);
- whether impacts from the development on the transport network (in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe (*para 109*);

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Planning decisions should ensure that developments would function well and add to the overall quality of an area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, creating a welcoming and distinctive place to live, work and visit; include an appropriate mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible (*paragraph 127*);
- the planning system should support the transition to a low carbon future in a changing climate...It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions;...and support renewable and low carbon energy and associated infrastructure (*paragraph 148*);
- planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and site of biodiversity or geological value; recognise the intrinsic character and beauty of the countryside – including the economic and other benefits of best and most versatile agricultural land, and of trees and woodland’ minimise impacts on, and provide new gains for biodiversity; prevent new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution; and remediating and mitigating derelict, contaminated and unstable land where appropriate (*paragraph 170*);
- planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including the setting) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal (*paragraph 190*).

(ii) The adopted Dover Core Strategy (adopted February 2010)

Policy CP1 Settlement Hierarchy: The location and scale of development in the District must comply with the settlement hierarchy. The hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services. Dover is identified as the top of the hierarchy, being a Secondary Regional Centre and the ‘major focus for development in the District, suitable for the largest scale development’.

Policy CP6 Infrastructure: Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed. In determining infrastructure requirements applicants and infrastructure providers should first consider if existing infrastructure can be used more efficiently, or whether demand can be reduced through promoting behavioural change, before proposing increased capacity through extending or providing new infrastructure.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

The main elements of the infrastructure required to support the strategy are set out in a table in the Core Strategy and includes the following, relevant to this application:

Infrastructure Type	Infrastructure Required	Purpose	Broad Timing
Transport	Dover town centre to Whitfield express bus link (Dover Transport Strategy)	To improve public transport service and reliability between the town centre and major urban extension and reduce trips by private car	2011-2016

Policy CP11 The Managed Expansion of Whitfield: The site to the west, north and east of Whitfield is allocated for an expansion of Whitfield comprising at least 5,750 homes supported by transport, primary education, primary health and social care, utility services and green infrastructure together with retail, financial and professional offices, eating and drinking establishments (Use Classes A1 to A5). Planning permission will be granted provided: -

- iv. An access and transport strategy is developed that maximises the potential for walking, cycling and the use of public transport, especially to the town centre and the White Cliffs Business Park area, includes link/distributor roads to connect the site to the surrounding network, identifies access points to the site and between the site and the existing settlement, safeguards land for a park and ride facility and identifies construction access arrangements that do not disrupt existing residents;

Policy DM1 Settlement Boundaries: Development will not be permitted on land outside the urban boundaries and rural settlement confines as shown on the settlement maps unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

Policy DM2 Protection of Employment Land and Buildings: Land allocated for employment uses as shown on the Proposals Map or with extant planning permission for employment uses will not be granted permission for alternative uses unless it has been subsequently allocated for that alternative use in a Development Plan Document. Permission for changes of use or redevelopment of land and buildings currently or last in use for employment purposes will only be granted if the land or buildings are no longer viable or appropriate for employment use.

Policy DM12 Road Hierarchy and Development: The access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent. Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.

Policy DM15 Protection of the Countryside: Development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if it is:

- i. in accordance with the allocations made in Development Plan Documents; or
- ii. justified by the needs of agriculture; or
- iii. justified by a need to sustain the rural economy or a rural community;
- iv. it cannot be accommodated elsewhere; and
- v. it does not result in the loss of ecological habitats

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

Policy DM16 Landscape Character: Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if (i) it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or (ii) it can be sited to avoid to reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

Policy DM17 Groundwater Source Protection: Within Groundwater Source Protection Zones shown on the Proposals Map, the following will not be permitted in Zones 1 and 2 unless adequate safeguards against possible contamination are provided: (i) septic tanks, storage tanks containing hydrocarbons or any chemicals, or underground storage tanks; (ii) proposals for development which may include activities which would pose a high risk of contamination unless surface water, foul or treated sewage effluent, or trade effluent can be directed out of the source protection zone; (iii) proposals for the manufacture and use of organic chemicals, particularly chlorinated solvents; (iv) oil pipelines; (v) storm water overflows; (vi) activities which involve the disposal of liquid waste to land; and (vii) sustainable urban drainage systems. New graveyards will not be permitted in Zone 1. Farm waste, storage areas, new foul or combined sewerage systems will also not be permitted in Zone 1 unless adequate safeguards are provided.

- (iii) The adopted **Land Allocations Local Plan (adopted January 2015)** states in paragraph 3.32 “The need for a fast and reliable express public transport system to increase accessibility and reduce the number of trips made by private car was a key component of the Dover Transport Strategy and the Core Strategy. This is being delivered by proposals for a Bus Rapid Transit (BRT) which will provide a public transport connection from the planned urban extension at Whitfield, White Cliffs Business Park (WCBP) via Connaught Barracks/Dover Castle to the town centre and Dover Priory railway station.”

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

Paragraph 3.45 states “Planning applications in Phase III will need to incorporate proposals to connect the BRT system to Dover Road. Traffic management measures will need to be put into place at the end of the WCBP to restrict access onto Dover Road to only BRT and emergency access. In order to encourage public transport patronage from employees it is important that proposed development is designed to ensure that pedestrian routes to each BRT stop are clearly defined, safe, well-lit and subject to natural surveillance. This key objective should form part of any design proposal in any subsequent proposals for the WCBP.”

Policy LA2 White Cliffs Business Park: The site is allocated for employment development. Planning permission for Phases II and III will be permitted provided:

- (i) development is for Use Classes B1/B2/B8, and employment generating uses that are not specified in the Use Class Order;
- (ii) proposals maximise the potential use of public transport and ensures development fronts the main spine road and includes clear and safe pedestrian routes for public transport stops;
- (iii) the integrity and setting of the North Downs Way is preserved and enhanced by retaining the existing hedgerow, strengthening by additional planting of three metres either side of the North Downs Way, and setting back development 10 metres from the new planting, or a new ‘green bridge’ pedestrian connection is delivered across the A2 to improve the setting and directness of the North Downs Way;
- (iv) Byway ER55A is retained and enhanced;
- (v) structural landscaping is carried out at the sites main boundaries. Additionally, in the case of Phase II:
 - (vi) a tree shelter belt at least 20m wide along the southern boundary is provided;
 - (vii) no building is constructed within 15metres of the shelter belt;
 - (viii) no building constructed within 50 metres of the shelter belt exceeds 10m in height; and
 - (xi) vehicular access and servicing extends up to the boundary with Phase III.

Additionally, in the case of Phase III:

- (x) proposals incorporate measures to provide a direct and convenient BRT route to Dover Road;
- (xi) traffic management measures are introduced that restrict access to Dover Road to BRT/emergency access;
- (xii) a landscaped buffer zone at least 25 metres wide in the vicinity of Dover Road is provided; and
- (xiii) development adjacent to the buffer zone is Use Class B1 only and does not exceed 10 metres in height.

(iv) **Local Plan (adopted 2002) Saved Policies:**

Policy TR4 A2 Safeguarding: Land is safeguarded on the Proposals Map for the construction of (a) the A2 dualling, Lydden Hill to the Duke of York roundabout, Dover; and (b) The A256 scheme, Sandwich.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

Policy C08 Hedgerows: Development which would adversely affect a hedgerow will only be permitted if (i) no practicable alternative exists; (ii) suitable native replacement planting is provided; and (iii) future maintenance is secured through the imposition of conditions or legal agreements.

Policy ER6 Light Pollution: Proposals for development which entail: (i) advertisement illumination will not be permitted unless units are well directed and not excessive for the task; (ii) external lighting will only be permitted where full cut-off lanterns are used, unless Historic Environment interests indicate otherwise.

- (v) **Whitfield Urban Expansion Supplementary Planning Document (SPD) Adopted Masterplan, April 2011.** The masterplan sets out a framework for how the proposed expansion of Whitfield should be undertaken. It develops the proposals for growth that were set out in principle in the Core Strategy, which identified Whitfield as a suitable location to create a new residential area supported by a full range of infrastructure. The masterplan identifies the Highway and Infrastructure improvements, which include a pedestrian, cycle and bus bridge across the A2, with the implementation of a Bus Rapid Transit system.
- (vi) **Dover Transport Strategy (adopted 2007).** The primary purpose of this document was to support the development of the Core Strategy which proposes significant growth for Dover during the period up to 2026. The strategy identified the need to manage traffic growth associated with the regeneration and economic growth of Dover as proposed through the Core Strategy. Dover Fastrack is noted as a priority public transport scheme within the Transport Strategy:

Para 10.6.6: Express Service – To supplement the proposed improvement to the existing local bus service, and Express Bus Service could be introduced which “piggy backs” off the proposed Park and Ride site in proximity to the A2 and A256. Independent of where the Park and Ride site is located, the bus service could be routed within the proposed Whitfield development, providing an Express Link between the proposed Whitfield development site and central Dover. This would provide an attractive, frequent and fast journey to Dover Town Centre, the port and Dover Priory Rail Station for residents of Whitfield.

- (vii) The new **District Local Plan 2020-2040.** The Council is in the process of preparing a new District Local Plan to cover the period 2020-2040, which will set out key policies for the District. Once adopted, the Local Plan will replace the current suite of Development Plan documents noted above. The Local Development Scheme produced in December 2019 identified that the new Local Plan would be adopted in April. However, consultation on the plan has been postponed due to Covid-19 so the date of adoption is subject to change.

Other Material Considerations:

29. In addition to the considerations arising from the planning policy section above, local finance considerations and other strategy documents are also material considerations for the determination of this application.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

- (i) The local finance consideration arising from s43 of the Localism Act 2011, Section 43 amends Section 70 of the Town and Country Planning Act 1990 (determination of applications for planning permission: general considerations) such that in the determination of a planning application, the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations

Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown. In this case, the financial assistance is that arising from the award of a grant from Homes England in 2019 under the Housing Infrastructure Fund of £16.1 million. The Housing Infrastructure Fund was a scheme to provide up to £2.3 billion of government funding to help ensure the right infrastructure was in place at the right time to unlock housing development in the Country. In deciding an application for planning permission where a local financial consideration is material, decision takers need to ensure that the reasons supporting the decision clearly state how the consideration has been taken into account and its connection to the development.

- (ii) The Local Transport Plan 4: Delivering Growth without Gridlock (2016-2031) (LTP4) published in July 2017 identifies transport priorities for the County, as well as emphasising the investment required to support growth. It sets out as one of its local priorities for the Dover district the provision of the Whitfield Bus Rapid Transit as a means of "...delivering resilient transport infrastructure to reduce congestion, improve journey time and enable economic growth and appropriate development, meeting demand from a growing population".

Consultations

30. The following consultee responses were received as a result of the consultation carried out in September 2020.

Dover District Council state that the principle of the development would accord with the development plan and the Whitfield Urban Expansion SPD. Whilst the development would have a visual impact, in particular due to the new bridge over the A2, they consider the development would be seen within a context of residential development, the strategic road network and a developing business park. They suggest that careful use of structural soft landscaping would help reduce the visual impact (both from the PROW adjacent to the bridge and in longer views) and request that this is secured by condition. Whilst an adverse visual impact is nonetheless predicted, they state that this must be balanced against other considerations. The need for the bridge, and the benefits which would be derived from it, have been set out in detail within the applicant's Planning Statement and it is considered that these benefits are compelling. The provision of the bus and pedestrian route would provide enhanced access between the districts largest development site and Dover Town Centre and Dover Railway Station, enabling a modal shift towards more sustainable forms of transport and reducing the number of private cars on the local and strategic highway networks. They state that care

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

will need to be taken to ensure that the impacts of the development on the amenity of residential properties neighbouring the site are taken into consideration, particularly regarding overlooking, perceived overlooking and noise. However, notwithstanding the need for careful consideration of several aspects of the development, Dover District Council raises no objection to the application.

Guston Parish Council raise an objection on the grounds of increased traffic that will impact residents of Guston who live on Dover Road. They are concerned about the frequency of buses on Dover Road which cannot cope due to flooding, pinch points and blind spots. Increase in noise and pollution for residents at the top of Old Charlton Road and Dover Road. Concern for families that walk from Guston village to Burgoyne Heights due to the lack of a pathway. Dover Road should be widened using land on the Duke of York's school side. Passing places will not help the buses every 20 minutes and the fact agricultural farm machinery uses the road has been completely overlooked. They suggest a proper footpath should be extended right down into the village so residents would benefit from a safe way to walk to the school at Burgoyne Heights. They Parish Council do not see the need for this service at all as most people have a car and don't want to catch the bus. Residents of Guston live in the village as they don't want to be linked to the town. The Parish Council think this proposal would have a detrimental effect on the village of Guston and would not provide any substantial benefits. They have major reservations about the application and the viability of the scheme.

Whitfield Parish Council have not responded to the consultation.

KCC Highways and Transportation Officer raise no objection to the application subject to the imposition of a condition requiring a Construction Management Plan to be submitted prior to commencement of development and an informative requiring all necessary highway approvals being sought.

Highways England raise no objection to the development subject to the imposition of conditions, one for a Construction Management Plan and one to restrict use of the road to buses, cycles, pedestrians and emergency vehicles only.

Public Rights of Way (East Kent PROW Team) raise no objection to the proposal subject to the imposition of a condition requiring a PROW Management Scheme, and an informative reminding the applicant about the timescales required for any temporary closure of a PROW.

KCC Biodiversity Officer raises no objection subject to the imposition of conditions relating to lighting to ensure it accords with the lighting strategy set out in the Ecological Mitigation Strategy; securing ecological mitigation through the Construction Management Plan; that fencing on site should retain connectivity for badgers; the implementation of the Landscape Management and Maintenance Plan as detailed for the lifetime of the development; and that an updated badger survey should be undertaken prior to the commencement of development.

KCC County Archaeological Officer raises no objection subject to the imposition of two conditions, one to secure the implementation of a programme of archaeological work in accordance with a written specification and timetable to be approved by the

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

County Planning Authority and one to provide a Post Excavation Assessment Report for approval within 9 months of the completion on site.

KCC Conservation Officer raises no objection to the application. He concurs with the conclusion of the Historic Environment Desk Based Assessment (HEBDA) submitted, that the proposals would result in less than substantial harm to these assets.

Environment Agency (Kent Area) raise no objection subject to conditions requiring a remediation strategy to be submitted prior to commencement of development; a verification report to be submitted before the road is first brought into use; no further development being undertaken if additional contamination is found that had not previously identified; no infiltration of surface water into the ground without consent; and no piling without consent.

Natural England raise no objection. Based on the plans submitted they consider that the proposed development will not have a significant adverse impact on statutorily protected nature conservation sites. They note however that the development is close to the Kent Downs AONB and advise that the Kent Downs AONB Unit should be consulted.

Kent Downs AONB Unit have not responded to the consultation.

KCC Flood and Water Management Officer raise no objection subject to the imposition of conditions to cover the submission of a detailed sustainable surface water scheme, and that the road is not brought into use until a verification report has been submitted.

The Coal Authority state that in accordance with the agreed approach to assessing coal mining risks as part of the development process, if the proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Network Rail Infrastructure Limited advise that from a planning perspective they raise no objection to the proposal. However, the proposal includes work within close proximity to a railway tunnel, and as a result Network Rail recommends the applicant/developer contact Network Rail's Asset Protection and Optimisation Team (ASPRO) prior to works commencing. The ASPRO team will ensure the works can be completed safely without posing a risk to the operational railway. Also recommend informatives be imposed on any decision notice regarding Asset Protection.

UK Power Networks have not commented on the application.

Kent Police Designing Out Crime Officer recommends that the applicant looks at guidance in the Tram and Train station documents and advises the applicant to consider maximum surveillance, boundary treatments, security, CCTV and site security for the construction phase.

Amey – Air Quality raise no objection. They are satisfied that air quality has been suitably assessed for the proposed development, and that, subject to the mitigation

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

measures recommended within the report being implemented, no further assessment is required in this regard.

Amey – Noise raise no objection to the development on noise and vibration grounds subject to a condition requiring a Construction Environmental Management Plan be submitted prior to commencement of development so that the best mitigation measures can be put in place prior to any works being implemented. In addition they support the applicant's view that a Section 61 prior consent agreement under Control of Pollution Act be sought from the Local Authority for night time works for the bridge construction, which will ensure specific mitigation measures be put in place to minimise noise at nearby receptors.

Amey – Landscaping raise no objection subject to conditions securing tree protection measures prior to the commencement of development, and an informative being added to make sure works are carried out outside of the bird nesting season (March 1st to August 31st inclusive). Comment that no Landscape Specification document has been submitted but note that extensive planting notes are contained on the submitted drawings.

Local Member

31. The local County Member for Dover West, Mr Geoff Lymer; the County Member for Dover North, Mr Steve Manion; and the County Member for Dover Town, Mrs Pauline Beresford were all notified of the application on 6th October 2020. A written response has been received from Mr Lymer raising objections to the application as follows:

- Local communities do not want the scheme;
- Cost of the road scheme would be in excess of the funding allocated and no S106 monies are forthcoming;
- Dover rail infrastructure wouldn't be able to cope with the increased passenger numbers;
- Residents in villages are more likely to use Martin Mill station or Temple Ewell station and neither is covered by the rapid bus transport system;
- For the bus system to be effective it needs a dedicated bus lane in the town centre;
- Dover town is likely to become more gridlocked especially with Operation Tap post Brexit;
- Price tariffs would need to be competitive;
- Suggest Dover needs a circular Tram system with buses from outlying villages terminating at the edge of the tram route.

Publicity

32. The application was publicised by the posting of 15 site notices and an advertisement in a local newspaper.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

Representations

33. In response to the publicity, 3 letters objecting to the application have been received, with a further 2 letters commenting on the application. In addition, a letter of support has been received from the Leader of Dover District Council, which will be summarised separately at the end of this section.

A summary of the main planning issues raised is set out below:

Objections

Need for the scheme

- No justification for this ‘vanity project’ in planning or highway terms, restricted to pedestrians, cyclists and the bus – supposed benefits are more than outweighed by the negative impacts on the local area;
- Scheme would not enhance the town in general as it would only skirt round the centre in one direction and avoids it completely in the other;
- The application would appear to meet the need to spend the grant from the Government rather than proving an operational need for the road or practicality of it;
- No proven need for the creation of the new bus service or the colossal capital sum to be spent on its creation;
- Local traffic would not be allowed to use the new road therefore without the bus service this would just be two expensive sections of cycle track;
- Cost of resurfacing Dover Road would be prohibitive;
- If Dover Road is to be widened this would require compulsory powers and further significant expenditure to the detriment of residents;
- Existing bus service (other than the school service at the start and end of each day) cannot be viable as the bus is frequently empty;

Highway/Transport Concerns

- The road ends on a country lane with no provision for safe or sensible continuation;
- Disruption for residents of Guston due to 6 buses an hour using minor roads not designed for this type of traffic;
- Fastrack scheme will not be ‘fast’ as it would go through the Connaught Barracks site where traffic calming measures would be reduced to a crawl for safety of residents;
- Proposed route would add to challenges at all points on its route to Dover Priory station and would not be rapid;
- The buses would come out onto Castle Hill where coaches for the castle routinely block the road whilst manoeuvring into the car park;
- Castle Hill frequently blocks when Dover TAP is in place, especially in the period between the port becoming blocked and the initiation of Operation Stack and will be exacerbated by the EU Exit transition;
- Townwall Street/A20 is also a road frequently blocked by Dover TAP and would therefore affect the Fastrack route;
- The new roads are likely to cause immediate difficulties to solve a possible future problem;

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

- Project will conflict with the Government's Inland Border Control Facility (IBCF) which would involve the creation of an access at the B&Q roundabout, the passage of HGV's to and from the site, with accompanying traffic implications;
- HGV's using Dover Road looking for the IBCF would be problematic for the bus routes proposed;
- Junction with Dover Road would be dangerous and close to an extended S bend;
- Dover Road is inadequate for the bus route due to its width, deficient metalled surface and problematic dip and curve at the top of Old Charlton Road;
- Fastrack route would conflict with farm traffic and local resident traffic and is not wide enough for buses and other large vehicles to pass each other in places;
- Road appears to be designed to cater for high volumes of traffic, being straight and wide, and fear the intention is to open the new road and bridge to all traffic;
- Lack of physical barriers to prevent use by ordinary traffic other than buses will lead to misuse of the road and associated impact on residents in new housing in Richmond Park (Whitfield Urban Expansion);

Amenity Impacts

- The construction of a bridge over the A2 would create roadworks and disruption at a time when disruption from the EU exit is already expected in the area;
- Scheme will affect a Public Right of Way and result in the loss of valuable farmland;

Pollution

- Project would not be environmentally sustainable by virtue of the construction work and the use of diesel buses;
- Congestion causing the buses to slow down and the pollution from the frequency of buses would have disastrous environmental consequences;

Layout/Design

- Scheme departs substantially from the original concept which Halsbury Homes supported;
- Scheme is poorly designed and takes up far too much development land;
- Road design disregards already approved building plots and agreed masterplan;
- Road design disregards approved green infrastructure and Special Area of Conservation (SAC) mitigation;
- Surface water drainage design is unattractive and takes up too much land;
- Access to the new road has not been made for the remainder of the Richmond Park development;
- No assessment of alternatives included in the application, such as a single lane bridge over the A2 which would reduce land take, the cost of the scheme, and reduce the amount of surface water to be disposed of; a narrow and more windy road which would slow traffic down; and physical barriers tripped by responders on authorised buses to avoid misuse of the road;

Other

- Land owners [Halsbury Homes, of land to the north of the A2] should have been formally notified by letter from the County Council;
- No agreement reached with Halsbury Homes for acquiring the land for the Bus Rapid Transit scheme, therefore no guarantee to ensure it can be delivered in time to meet the requirements of the funding;

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

- Any subsequent Compulsory Purchase Order as a result of the above would, according to Halsbury Homes, be so large as to bring the viability of the scheme into question;
- Inappropriate for a scheme to provide 28% net gain but at the expense of environmental mitigation that is required to be provided by others.

Comments

- Would like the new bus route to take into account Aylesham Village;
- There are no buses to serve the residents of Aylesham to get to the new leisure centre at Whitfield, to Dover town centre or Dover Priory Station;
- There will be over 1400 new houses in Aylesham when building has been completed and buses are needed as a priority;
- If uptake of the Fastrack bus service is low and makes the scheme financially unviable, local residents will have to pay through council taxes to maintain a failing service;
- Coronavirus is likely to result in businesses streamlining rather than expanding;
- Surveys suggest a large number of residents won't use the Fastrack service, therefore it would be better to fund the existing bus services;
- The bus gates are subject to misuse without proper security, especially at the Dover Road exit where it is rural in nature;
- The roman road public right of way still needs to be available for all users legally entitled to use it;
- Dover Road is of limited width all the way down to the castle and would impede Fastrack buses;
- Fastrack service would not benefit residents of Dover, River and Temple Ewell, who would use a car as more convenient;
- Have all business interests been declared on working groups and committees such that KCC and DDC would not gain financially from this;
- The majority of the town will not benefit from this.

Summary of Letter of Support from Councillor Trevor Bartlett, Leader of Dover District Council.

- The provision of a new bus cycle and pedestrian infrastructure is central to the Dover Fastrack project, which will create a fast and reliable public transport link between Whitfield, the White Cliffs Business Park, Dover Town and Dover Priory Station;
- The scheme would support the planned expansion of Whitfield and the re-development of Connaught Barracks;
- The creation of the rapid bus link is crucial to realising the Council's housing ambitions;
- This scheme has gained more importance approaching Transition and due to other external factors such as the Lower Thames Crossing which will add to the strategic transport loadings on the A2;
- The value of this connection between Whitfield housing allocation, the White Cliffs Business Park and Dover will assume even greater importance over time, absenting the use of the A2;

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

- Dover District Council, in collaboration with KCC, prepared a bid to the Housing Infrastructure Fund in 2017, and Homes England awarded a grant of £16.1 million in 2019;
- This was the highest awarded grant that year reflecting the importance of the project in supporting housing delivery;
- Although monetary matters are not usually relevant to the determination of a planning application, regard must be had to the Localism Act 2011. Paragraph 143 indicated that local planning authorities should have regard to local finance considerations as a material consideration where they are relevant to the application, as may be the case with the grant awarded;
- DDC and KCC [as applicant] have collaborated closely on this project and undertaken a range of site surveys, preparation of detailed designs, undertaken community engagement and begun developing a service specification – much work is already underway.

Discussion

34. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 28 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. The proposal therefore needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation, publicity and the Localism Act.
35. This application is being reported for determination by the Planning Applications Committee due to the objections received opposing the scheme by both residents and one of the Local County Members. In my opinion, the key material planning considerations in this particular case are the principle of development and the need for the Fastrack scheme; the transport and highways benefits and impacts of the scheme; the landscape and visual impact of the development including the impact of lighting; the impact on amenity of local residents; the impact on the Public Rights of Way crossing the development site; the air quality and noise impacts arising from the development; ecological impacts and biodiversity net gain; archaeological impacts; the effect of the scheme on flood risk and drainage; and the contamination impacts from the development. An outline of the proposed White Cliffs Inland Border Facility referenced in the representations summarised above is also provided at the end of the report.

Principle of Development and Need for the Fastrack Scheme

36. The proposed development would create the infrastructure required to facilitate a new Bus Rapid Transit system (referred to as Fastrack in this report) in Dover. The two new sections of road including a new bridge over the A2 would link Whitfield to the north with Dover Town Centre, and would serve destinations including (but not limited to) the Whitfield Urban Expansion, White Cliffs Business Park, Connaught Barracks, Dover Priory railway station and the St James regeneration area alongside the A20. It would support the development of two major housing allocations in Dover by allowing the creation of a faster and more reliable journey for public transport users and provide

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

priority links to the town centre and railway station. In so doing it would deliver and thereby promote sustainable methods of transport.

37. The concept of a BRT system was proposed as far back as 2007 when it was included in the Dover Transport Strategy. This document supported the development of the District Council's Core Strategy (part of its Local Plan), which identified the need to manage traffic growth associated with the regeneration and economic growth of Dover. The Fastrack project was noted as a priority public transport scheme within the strategy, with the aim that it would provide an attractive, frequent and fast link between Whitfield, the Whitfield Urban Expansion and Dover Town Centre. In 2011 the Whitfield Urban Expansion Masterplan was adopted and published which also included the aim of implementing a Bus Rapid Transit system through the site along with highway infrastructure improvements of a bus, cycle and pedestrian bridge over the A2. The proposed development would therefore accord with the Dover Transport Strategy and the Whitfield Urban Expansion Masterplan.
38. The adopted Dover Core Strategy (2010) sets out in Policy CP6 the need for the necessary infrastructure to be in place to support the strategy and enable development, and this included the need for the Dover town centre to Whitfield express bus link to help reduce the number of trips made by private car. Furthermore, Policy CP11, which covers the managed expansion of Whitfield lists as a requirement an access and transportation strategy to maximise the potential for walking, cycling and the use of public transport, especially between the site and the town centre. The proposed development would therefore accord with these elements of the Core Strategy.
39. This policy backing for the scheme is reiterated in the later Land Allocations Local Plan, adopted in 2015, which stated that there was a need for a fast and reliable express public transport system to increase accessibility and reduce the number of trips made by private car and that this should be delivered by proposals for a Bus Rapid Transit system connecting the planned urban extension of Whitfield to the town centre and railway station. It goes on to state that development of the White Cliffs Business Park should also incorporate proposals to connect to the BRT system and that this should be a key objective of any development here. Policy LA2 of the Land Allocations Plan expressly sets out a requirement for proposals to incorporate a direct and convenient BRT route to Dover Road, and for traffic management measures to restrict access to Dover Road for the BRT system and emergency vehicles only. The proposed development would therefore accord with the Land Allocations Plan.
40. The proposed development would also comply with the aims of the Local Transport Plan 4: Delivering Growth without Gridlock (2017) which lists as a local priority for the Dover district the provision of the Whitfield Bus Rapid Transit, with the aim that it would reduce congestion, improve journey time and enable economic growth.
41. In terms of the overarching guidance of the NPPF, at the heart is a presumption in favour of sustainable development. This proposal would seek to deliver and thereby promote sustainable methods of transport including walking, cycling and public transport, a key aim of the NPPF. Furthermore, the development would enable economic growth, enhanced accessibility to homes, services and facilities, and provide a solution which minimises pollution and environmental impact.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

42. It is evident from the above that there is clear policy support and backing for the delivery of the infrastructure required for the Dover Fastrack scheme.

Funding – Localism Act

43. Whilst monetary matters are not usually a relevant material consideration in the determination of planning applications, in this case, not having regard to the finance considerations in relation to the Localism Act (2011) would arguably mean that the Committee had not assessed all relevant material planning considerations in its decision making. Paragraph 143 of the Localism Act 2011, titled '*Applications for Planning Permission: Local Finance Considerations*' states that local planning authorities should have regard to local finance considerations as a material consideration where they are relevant to the application before them. Local finance considerations are thereafter defined as 'a grant or other financial assistance that has been, or will be, provided to a relevant authority by a Minister of the Crown.'
44. The Housing Infrastructure Fund was a scheme to provide up to £2.3 billion of government funding to help ensure the right infrastructure was in place at the right time to unlock housing development in the Country. Dover District Council, in collaboration with Kent County Council, prepared a successful bid for some of this funding to help deliver the Dover Fastrack scheme in Whitfield, and were awarded a grant of £16.1million in 2019 from Homes England. The grant was the highest awarded by the programme that year, reflecting the importance of the project in supporting housing delivery.
45. The securing of the above funding for the sole purpose of delivering the Dover Fastrack should, in this instance, be a material consideration in the determination of this application. The funding is awarded, subject to planning, on the basis that it would help unlock the potential of the two major allocated housing sites at Whitfield and the former Connaught Barracks.

Transportation and Highway Considerations

46. One of the key objectives of the Dover DC Core Strategy is to "*improve ease of travel to, from and within the District for both people and freight; concentrate development where it can best align with facilities and reduce the need for travel, especially at the Regional Hub of Dover, and encourage walking, cycling and public transport through the provision of new facilities.*" The two proposed sections of road being applied for as part of this planning application seek to meet this aim completely.
47. The roads are proposed in the vicinity of the A2, a major road connecting Dover to London and which sees high volumes of traffic and often congestion. The A256 junction with the A2 lies to the east of Section 1 of the proposed road and overbridge, and to the north of Section 2, and the road that would connect the two sections is Honeywood Parkway. Honeywood Parkway is a single carriageway road with footways on each side of the road which provides access to numerous retail and commercial facilities, along with the new Dover Leisure Centre. The proposed Fastrack scheme aims to provide an alternative mode of transport between Whitfield and the town centre which would avoid the overreliance on the private car and use of these existing roads.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

48. The application has been supported by the submission of a Transport Statement (TS) for the two new sections of the road, which assesses the existing conditions at the site including current pedestrian, cycle, rail and bus facilities in the vicinity, and this document along with the application plans have been considered by the County Council Highway and Transportation Officer and Highways England as part of the planning application process.
49. The key junctions of the proposed Fastrack road would be restricted to use by buses, cycles, pedestrians and emergency vehicles, and these would be controlled by bus gates and ANPR cameras. Once the Whitfield Urban Expansion and White Cliffs business park are built out, the restrictions would be in both directions for the proposed bridge over the A2, and in both directions at the junction with Dover Road. The number of bus services may initially be lower until the Whitfield housing is built out and patronage increases, however the proposals would ultimately allow for 8 buses per hour, four in each direction, operating between 5am and midnight, seven days a week. This would equate to a maximum of 152 buses per day using the route. The TS states that modelling of an additional arm at the Tesco roundabout showed no capacity concerns in 2024, with the longest delay being 13 seconds on Honeywood Parkway (West) in the AM and PM peak. Similarly, the modelling showed that the additional arm at the B&Q roundabout would not present any capacity concerns in 2029, with the longest delay predicted as 7 seconds on Honeywood Parkway (West) in the PM peak. In addition the TS states that the nature of the scheme would be to reduce the use of private vehicles between Whitfield and Dover Town Centre, therefore a proportion of existing traffic would be removed from the network as the bus service becomes operational.
50. The proposed development would provide a safe pedestrian crossing over the A2 linking to existing footpath provision along Honeywood Parkway, and also providing a cycle link that would, by utilising both sections of the road, link Whitfield with the existing Regional Cycle Route 16 that runs along Dover Road and connects Dover to Canterbury. The facilities would benefit not only the new housing in the Whitfield Urban Expansion but also to some extent, the existing housing in Whitfield itself.
51. The County Highways and Transportation officer has confirmed that he has no objections to the scheme in respect of highway matters or the content of the TS, and welcomes the enhancement of sustainable travel in the area which the proposals would provide. Highways England have also confirmed they have no objection to the scheme subject to the imposition of various conditions (outlined below).
52. The proposed development would meet the overarching aim of the NPPF in that it would encourage and promote a sustainable form of transport, not least by offering a genuine choice of transport mode for all users, which should help reduce congestion and emissions and improve air quality and public health. The provision of a fast and reliable route for buses between Whitfield and the town centre would be in accordance with the NPPF. The scheme would also be in compliance with Policies CP6, CP11 and DM12 of the adopted Core Strategy and Policy LA2 of the Land Allocations Plan in that it would deliver the promoted Bus Rapid Transit link and would not result in any significant increase in traffic delays as a result of the new junctions onto the existing road network. Furthermore the scheme would not impact the safeguarded land for the proposed

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

dualling of the A2 as covered by Policy TR4 of the saved policies of the Local Plan from 2002.

53. It is therefore considered that from a transportation and highway point of view, the scheme would be acceptable and in accordance with National and Local planning policy, subject to conditions to cover the submission of a Construction Management Plan to control aspects such as hours of construction; timing of HGV movements; routing of delivery and construction vehicles to/from site; travel plans for site workers, visitors and deliveries; wheel washing facilities to prevent dust, dirt and detritus entering the public highway etc; and mitigation measures to control the potential nuisance from noise, vibration and night time bridge works. In addition, a condition restricting the Fastrack scheme to use only by buses, cycles, pedestrians and emergency vehicles would also be required.

Landscape and Visual Impact

54. The planning application was supported by the submission of a Landscape and Visual Appraisal (LVA) which considered the impact of the road scheme on landscape character and visual amenity. The landscape and visual appraisals are separate but linked processes, which describe a closely related but distinct set of effects. The objectives of the LVA were to identify the landscape planning policy relevant to the proposed development; appraise the landscape character baseline of the local area at national, county and local level; appraise the landscape characteristics of the areas affected by the proposed development and its contribution to local landscape character; appraise the visibility of the proposed development and the nature and quality of the existing views from the surrounding area; and inform the iterative design process for integration of the development into its surroundings.
55. The LVA states that the typography of the development study area to the south of the A2 as being hilly with steep south facing slopes overlooking Dover, whereas to the north of the A2 the landform comprises gentle ridges and valleys flowing in a north-east to south-west direction. The development area doesn't contain or lie adjacent to any Scheduled Monuments, Registered Parks and Gardens or Conservation Areas. There are no Sites of Special Scientific Interest (SSSI) within the proposed development study area (with the closest being some 2km away) and the nearest ancient woodland is approximately 1.2km to the north-west. The Kent Downs Area of Outstanding Natural Beauty (AONB) lies to the south-west of Section 2, some 670m away. An assessment of National, County, District and Local Character Areas for the development study area are provided in the appraisal, along with the character of the night sky. Visual appraisal photographs from 15 representative viewpoints (to which the public have access) and 3 viewpoints relating to night sky views are also provided in the report and these locations were identified in consultation with Dover District Council.
56. The report states that the proposed development is located in an area which is not covered by any landscape designations, and does not exhibit any rare or unusual landscape features, and is within a localised landscape which is already influenced by existing built form and infrastructure. The proposed scheme has included measures embedded in the design to mitigate against the impact of the development and these include skewing the alignment of the A2 overbridge to enable incorporating gentler slopes on the embankments for new woodland planting to visually contain the most

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

elevated parts of the development; new woodland planting to create habitat for wildlife to provide green visual containment; new specimen tree planting to enhance visual appeal and integrate the development into the surrounding; new hedgerow planting to enhance visual amenity of the development and respond to the local character; and areas of wildflower grassland and bulb planting to enhance biodiversity along with visual appeal. Such landscaping and its ongoing maintenance would need to be conditioned on any planning consent given to ensure the proposed mitigation is actually delivered.

57. The assessment made of the scheme in terms of construction activities on both visual amenity and effect on landscape character areas is described as major and moderate adverse respectively, as it is for the operational impact at year 1, with a suggested reduction of the impact to moderate adverse for visual amenity once the planting has matured (year 15). However, it should be clarified that this assessment has been made against a current baseline of on-site conditions where clearly the proposed road and overbridge would change the character and visual appearance of the existing agricultural fields significantly. What needs to be borne in mind is that the areas through which this road would be constructed are both subject to development allocations in the Local Plan (i.e. for Whitfield Urban Expansion and the White Cliffs Business Park) therefore the change should also be considered against the baseline of anticipated future development, which has been adopted by Dover DC.
58. In terms of night sky impact the proposed lighting of the Fastrack road is considered in the context of the existing glare of lighting from a number of sources including high level floodlights at White Cliffs Business Park, lighting of retail and office use buildings on the business park and along Honeywood Parkway, road lighting along the A2, and road lighting in the residential areas of Newlands, Archers Court and the new residential area of Richmond Park. The lighting scheme would incorporate 10m high columns mounted with directional heads spaced out along the two stretches of road, which are necessary to provide a safe and attractive environment for users, to aid safe movement and a feeling of security and wellbeing. The lights would utilise a neutral white light and light shields to limit light to the rear. Given that the darkness of the sky is already notably reduced in the vicinity of the proposed development it is considered that the impact of introducing further light sources would not be significant, especially when combined with the mitigation measures proposed, and the design and specification of the lighting itself.
59. Policy DM16 of the Core Strategy states that the adverse effects of the proposed development should only be permitted if it is in accordance with the development plan document and incorporates necessary avoidance and mitigation measures; and it has been sited to avoid or reduce the harm through the incorporation of design measures to mitigate impacts to an acceptable level. It is considered that the design proposals to mitigate the development seek to comply with this policy, and the road scheme is part of an adopted strategy by the District Council. Furthermore, the NPPF in paragraph 127 states that planning decisions should ensure that developments are sympathetic to local character and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Although there would be an impact as a result of the proposed development in visual amenity and landscape character terms, it would provide a sustainable transport solution which would be considered an appropriate innovation and would be delivered alongside the housing and employment allocations noted above. It is therefore considered that the merits of the development would overcome the adverse effects on landscape.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

60. In considering the proposed development Dover District Council (DDC) have commented that the link road to the north of the A2 (Section 1) would be a highway that would ordinarily be expected to be provided through a residential development and consequently they have no concerns regarding the visual appearance of the road or its potential impacts on existing or future occupiers. The bridge over the A2 would, they comment, be a highly prominent feature, but would be viewed in the context of the existing residential development to the north-west, the A2 (including the roundabout to the west and the dumbbell roundabout to the east) and the commercial buildings to the south of the A2. Within this setting they state that the bridge would not appear out of context. They also state that Section 2 of the road, running through the Business Park, would be less sensitive to visual effects, DDC state, it being flatter and further from residential properties than Section 1.
61. Natural England were also consulted on the planning application and in their response noted the proximity of the proposed development to the Kent Downs AONB. The Kent Downs AONB Unit were consulted on the application, however no response was provided and it is considered that whilst nearby, the AONB would not be unacceptably affected by the development.
62. In terms of landscape and visual impact, the discussion above acknowledges that the proposed development would have an impact. However, the development facilitates the implementation of the Dover Fastrack scheme as supported by development plan policy and in this case it is considered that the benefit and merits of this scheme would outweigh the impacts. It is considered that the development would accord with Policy DM15 for protection of the countryside in that the scheme is in accordance with an allocation in the development plan, and cannot be accommodated elsewhere; and it would accord with Policy DM16 for landscape character as again it reflects an allocation in the local plan and incorporates mitigation measures to offset the impact.

Impact on residential Amenity

63. In terms of impact on residential amenity, the proposed development would have the greatest effect on properties in Newlands, whose rear gardens back onto the proposed embankment for the bridge over the A2. The rear boundaries of these properties would be approximately 10-12m away from the base of the embankment and approximately 40m to the raised footway and cycleway along the edge of the road (although this varies slightly from property to property due to layout). Given these distances it is considered that there would not be any unacceptable degree of overlooking caused. However due to the open nature of the current layout (agricultural fields) there may be a *perception* of overlooking experienced by these occupants. It is considered that the proposed landscaping of the embankment, which would include trees that are expected to grow to heights of around 8m, would help address this perception, such that in the short term it would be limited and in the medium to long term would likely be negligible. It should also be recognised that the status quo would not be retained given that the whole area to the rear of these properties falls within the Whitfield Urban Expansion allocation.
64. The proposed road would be lit along both sections with 10 high columns which also has the potential to impact residential amenity. Light spillage plans were submitted with the application (along with a lighting technical note) and these illustrate the limited wider

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

spill of light which is as a result of the directional mountings, which are aimed at the carriageway rather than the surrounding area. Importantly these drawings show that the light spill would not extend as far as the Newlands residential properties or gardens. Similarly, the lighting spill drawings illustrate that the lighting of Section 2 of the scheme would not extend as far as any of the existing residential properties on Dover Road. The application states that the lighting scheme has been designed to be sensitive to bats and this will be considered further in the ecology section below.

65. It is therefore considered that the proposed development would not have an unacceptable adverse impact on the residential amenity of existing residents and would accord with paragraph 127 of the NPPF.

Public Rights of Way

66. As set out in the proposals section above, the proposed development would affect two existing Public Rights of Way (PROW). For Section 1 the development would require the diversion of footpath ER54 as the new road would dissect its current route. In order to address this the footpath would be routed across the proposed road via an uncontrolled crossing point (gated on the eastern side of the road) and would then turn south-westwards within the post and wire fence enclosure of the road and landscaping. The route of the PROW would then proceed in a westerly direction to the north of the drainage 'Biobasin', and then run around the bottom of the embankment until it meets the existing footpath ER71 which runs along the rear of the back gardens of the properties in Newlands.
67. In Section 2 the proposed road would dissect the route of PROW ER60, which as set out in the proposals section is a Byway Open to All Traffic (BOAT) and forms part of the North Downs Way National Trail. No diversion of this route is required, but the development would make provision for the BOAT to cross the new road with gated accesses provided in the fencing which is proposed either side of the road, and an equestrian waiting area.
68. The applicant engaged with the County Council's Public Rights of Way Team prior to the planning application being submitted and the impact of the proposed development on the public rights of way have been discussed with them to agree an appropriate way forward. An application to divert PROW ER54 has also been made simultaneously to the Public Rights of Way Authority alongside this planning application. In response to the formal planning consultation the PROW team have confirmed that they have no objection to the development as proposed in relation to the public rights of way, but have requested the imposition of a condition requiring a PROW Management Scheme to be submitted (to include details of matters such as surfacing, width, signage, alignment and the two crossings), along with an informative which reminds the applicant about the timescales required if any temporary closure during construction works is required. They also note that noise and air quality impacts of the development should be taken into account, and the need for landscape improvements to lessen the impact of the scheme on the rights of way. These matters are addressed in the relevant sections of this report. It is therefore considered that in this regard the application would be acceptable and would accord with the protection measures outlined in paragraph 98 of the NPPF.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

Air Quality

69. The application has been supported by an Air Quality Assessment which set out the legislation against which the assessment was undertaken. The document has screened the operational traffic data associated with the development and this screening has determined that the changes in traffic between the 'with Proposed Development' and 'without Proposed Development' scenarios are well below the Design Manual for Roads and Bridges (DMRB) LA 105 Air Quality scoping criteria for significant impacts. This was due to the proposed number of vehicle movements being limited to a maximum of 152 buses per day (as explained above) and that no other changes in traffic would occur as a result of the two new stretches of road. Therefore, the need for operational traffic air quality was scoped out of the assessment.
70. In addition the construction activities for the proposed development are programmed over a period of 18 months and according to the DMRB LA 105 guidance, if the period of construction is less than 2 years it is unlikely that there would be any significant air quality impacts due to construction traffic, therefore this was also scoped out of the assessment. Finally, and also in line with the DMRB guidance, the air quality assessment noted that during the construction phase for dust and particulate matter (PM₁₀ and PM_{2.5}) the effects beyond 200m from the construction site boundary are expected to be insignificant and were also scoped out.
71. The report therefore assessed the temporary increase in dust and particulate matter (PM₁₀ and PM_{2.5}) concentrations due to on-site activities undertaken during the construction phase of the proposed development, which would have potential to impact local air quality. The assessment identified 53 receptors located within 50m of the proposed construction site boundary, therefore the environmental sensitivity of the buffer zone was considered to be 'high'. However the report finds that through good site practice and the implementation of suitable mitigation measures, the effect of dust and PM₁₀ releases would be significantly reduced. The mitigation measures proposed in the report are based on best practice guidance published by the Institute of Air Quality Management and would include (but not exhaustively) the preparation of a Dust Management Plan; that machinery and dust causing activities be located away from receptors; avoiding site runoff of water or mud; removing materials from site as soon as possible; ensuring vehicle engines are switched off when stationary and avoiding the use of diesel or petrol powered generators where possible; using enclosed chutes, conveyors or skips; and avoiding bonfires and burning of waste material etc. Subject to the implementation of such mitigation measures, the report concludes that the residual effects of dust and particulate matter by construction activities on air quality would be considered insignificant.
72. The County Councils air quality consultants have considered the documentation submitted in relation to the proposed development and state that they are in agreement with the assessment made for construction dust impacts and the conclusions regarding this, and are also satisfied with the impacts scoped out of the assessment and the rationale for this. They therefore consider that air quality has been suitably assessed for the proposed development and that subject to the mitigation measures recommended within the report being implemented, they would require no further assessment to be undertaken and raise no objection to the application. These mitigation measures can be secured by condition and are incorporated into the recommendation below

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

Noise

73. The application has been supported by the submission of a Noise Impact Assessment Report which considers the potential noise impacts of the development during both the construction and operational phases. The potential for vibration impacts during construction was also considered in the report, but vibration impacts during operation was scoped out of the assessment. This is because the Highways England document Design Manual for Roads and Bridges (DMRB) advises that where a road surface is free of irregularities and under general maintenance, vibration from road traffic noise does not have the potential to have significant adverse effects. The type, source and potential impacts are identified in the report and the measures that would be employed to minimise them are set out.
74. The study area of the report focused on the closest potential noise and vibration sensitive receptors to the proposed scheme, where typical impacts would be worst and hence all potentially significant effects would be identified. The study area was limited to a distance of 300m from the scheme for noise predictions and 100m for vibration impacts in accordance with British Standard Guidance 5228 - Code of Practice for Noise and Vibration Control on Construction and Open Sites. The document also notes that the proposed dwellings which form part of the Whitfield Urban Expansion have also been scoped out of the assessment. This is due to the fact that the proposed Fastrack scheme and the housing development would be developed simultaneously, therefore it would not be appropriate to determine a 'before' scheme noise level and therefore be able to assess a change in noise levels. Furthermore, the planning consents for the housing are subject to their own requirement for suitable noise mitigation to provide acceptable noise levels within the dwellings.
75. During the construction period details are provided in the Noise Assessment of the impact from distinct activities such as site clearance, earthworks, bridge construction and highway works, including specific reference to the fact the bridge construction is required to be primarily carried out at night-time. The report notes that there is the risk of significant adverse impacts during the construction period with noise limits exceeded at times during certain construction activities, especially the night-time bridge works. To mitigate against the impact of construction activities, a Construction Environmental Management Plan (CEMP) would need to be prepared and implemented by the construction contractors, to minimise noise impacts. In terms of vibration impact, the report found that during construction, when vibratory rollers or compacts are used within close proximity to residential properties there would be a risk of disturbance from vibration, and therefore the CEMP would need to detail measures to minimise these impacts, such as advance notification to residents of work with the potential to generate levels of vibration which may cause annoyance, and not to start up or shut down equipment within 50m of any receptors. It is noted, however, that vibration levels are predicted to be below those associated with building damage. The provision of a CEMP to address these impacts would be secured via a condition on any consent given.
76. During the operational phase the assessment indicates that the predicted noise levels at the closest receptors (in Newlands, Aspen Drive and Guston) during the daytime period (07:00-23:00) would all be below or equal to the existing ambient noise level in those areas, and are therefore acceptable. For the period of night-time hours (23:00-07:00) the internal noise levels are met for the closest noise receptors for Section 1 of the road.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

For the receptors close to Section 2 of the road the existing noise levels are exceeded by between 4 and 9dB and the report states that the internal noise limits are also likely to be exceeded, although it goes on to note that internal noise levels at the receptors closest to Dover Road already exceed internal noise limits for sleeping due to existing road traffic. A key mitigating factor is that the bus service would only be operational until midnight, with the service resuming at 5am, therefore it would not run throughout the whole of the 'usual' night-time period of 11pm to 7am. The assessment therefore considered the likely impact between the hours of 11pm and midnight and as a worst case scenario of 8 buses per hour, although it is likely that numbers may be lower as the service tails off and ends for the day. For this period the assessment predicts that the internal noise limits would be between 1 and 3dB below the LAMax limit given in the Professional Practice Guidance Internal Noise Guidance.

77. The County Council's Noise Consultants have considered the Noise Assessment and details provided and have advised that they concur with the methodology being used to assess noise impact and subsequently the findings of the report. They raise no objection to the application, subject to the imposition of a condition to secure the CEMP which would outline the mitigation measures required to address any noise impact. Furthermore, they welcome the applicants view that a Section 61 prior consent agreement under the Control of Pollution Act should be applied for in relation to any night-time works associated with the bridge construction. Although night-time construction of the bridge has the potential for an adverse impact on residents, they acknowledge that this work would be unavoidable due to the potential for a severe impact on traffic congestion if carried out during the daytime. The applicants have confirmed that the CEMP would include a Section 61 agreement between the Contractor and the Environmental Health Officer at Dover DC and this would be required to set out in detail the dates, timings and duration of works, the plant and equipment to be used, predicted noise levels associated with the works and measures to be implemented to minimise the disruption of noise on local residents. The applicant has advised that night-time works would generally be limited to works affecting the A2, and primarily road closures for the lifting of the bridge and any associated finishing works on the structure such as parapets. All other works would be undertaken during standard daytime construction hours (to be conditioned within the CEMP) and the contractor would be required to manage the generation of construction noise and vibration under Section 72 of the Control of Pollution Act. The applicant has advised that it is likely there would be lane closures and narrow lanes in place during the construction phase of the bridge, which would enable most of the bridge supports/abutments to be built during daytime working hours. Specific noise and vibration mitigation measures to be implemented during the works would also be set out in the CEMP, including the provision of acoustic enclosures round static plant where necessary, the use of broadband reversing alarms (more directional than the two tone beeping alarms, therefore causing less nuisance), and no start-up/shut down of vibratory plant within 50m of sensitive receptors. Impact piling typically associated with high noise levels generated by the impact of a hammer driving piles into the ground would not be used for this development.
78. It is therefore considered that the application would not result in an adverse impact in relation to noise during the operational phase, and that any impacts during construction would be dealt with through good construction management processes and enforced through adherence to an approved CEMP. Although impacts are identified, it is considered that the wider benefits of providing the road and Fastrack bus service would

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

off-set the temporary construction impacts, and therefore the scheme is considered to be acceptable in this regard.

Ecological Impacts

79. The application has been supported by a number of documents which seek to address the potential impact of the proposed development on matters of ecology and biodiversity, including Information to Inform Habitats Regulations Assessment, Preliminary Ecological Appraisal, Ecological Mitigation Strategy, Preliminary Bat Roost Assessment, Reptile Survey Report, and Great Crested Newt results. These documents have all been considered by the County Council's Biodiversity Team and Natural England were also consulted on the application.
80. Under the requirements of the European Council Directives for Habitats and Wild Birds it is necessary to consider whether the proposed development would have any significant effects upon areas of nature conservation importance designated or classified under the Directives. The Report to Inform Habitats Regulations Assessment identified four European sites within 10km of the application site, these being:
- Dover to Kingsdown Cliffs Special Area of Conservation (SAC) (1.5km south east of Section 2)
 - Lydden and Temple Ewell Downs SAC (1.6km west of Section 1)
 - Folkestone to Etchinghill Escarpment SAC (9.8km south west of Section 1)
 - Thanet Coast and Sandwich Bay Ramsar (8.2km north east of Section 1).

As a result, a Stage 1 screening for the Habitats Regulations Assessment was undertaken and submitted, which identified that the highest risk was considered to be air pollution to Dover to Kingsdown Cliffs SAC and Lydden and Temple Ewell Downs SAC. However the project is designed to reduce or maintain traffic flows in the area by seeking to divert new local residents to bus travel instead of car travel and is therefore assessed as not likely to generate sufficient emissions so as to have an effect. Therefore, it was considered that an operational traffic air quality assessment would not be required and this was scoped out of the assessment. No in-combination effects were identified as being likely to occur and in fact the project is identified as part of a suite of measures to alleviate air pollution effects. The KCC Biodiversity Officer has noted that taking into account the type and scope of the development and the distance to and qualifying features of the European sites, she is satisfied with the conclusion of no likely significant effect and the screening out of any impacts. Natural England have also raised no objection to the application.

81. The Preliminary Ecological Appraisal (PEA) outlines the protected species which may utilise the site and further survey work was undertaken to assess the effects and inform any mitigation or licensing requirements. The PEA states that the habitats on both sections of the proposed development have the potential to support a range of protected species, including bats (roosting and foraging/commuting), other mammals, breeding birds, reptiles and amphibians. The limited extent of the habitats and their relative isolation, however, means many effects can be avoided or mitigated using precautionary methods.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

82. Bats: Two trees were identified with moderate bat roosting suitability, however the plans indicate that these trees would be retained and would be of sufficient distance from the proposed scheme, such that any impacts can be screened out. Five trees and one group of trees have been assigned a low suitability for roosting bats, and the Biodiversity Officer notes that whilst no further survey work is required, precautionary methods of felling should be employed to further minimise the risk to this species group. An informative reminding the applicants of this could be imposed on any consent given. The Ecological Mitigation Strategy (EMS) has outlined the required mitigation and demonstrates widescale planting which includes wildflower planting, woodland creation, new hedgerow, and scattered trees which would provide habitat for bat foraging and commuting. The Biodiversity Officer has confirmed that if these measures are implemented, appropriate mitigation and enhancement can be provided for bats. As lighting can be detrimental to roosting, foraging and commuting bats, a lighting strategy has been included in the EMS and the Biodiversity Officer has confirmed that she is satisfied that this would be appropriate. A condition to secure an appropriate lighting design has been recommended, which should accord with the recommendations from the Bat Conservation Trust and the institute of Lighting Professionals, titled Guidance Note 8 Bats and Artificial Lighting.
83. Reptiles: Reptile surveys were undertaken for both sections of the road and no reptiles were recorded. However, the habitat is considered as suitable for reptiles therefore a precautionary methodology is provided, which includes clearance on site outside of the reptile hibernation period, the removal of suitable refuges prior to clearance and the hand strimming of suitable areas. The Biodiversity Officer concurs with these recommendations and considers them appropriate. She states that the hibernation period for reptiles is approximately October to March but it can vary depending on the weather conditions, therefore exact timings of when the works would be carried out should therefore be decided by an ecological clerk of works, and this is included in the recommendation section.
84. Great Crested Newts: The PEA identified the presence of habitat which could support great crested newts with one pond identified within the Section 1 survey area and another approximately 40m north of the Section 2 survey area. Subsequently the two waterbodies were subjected to environmental DNA (eDNA) analysis and the results of this indicated an absence of great crested newts. No further surveys or mitigation measures are therefore required for this species and they are considered not to be a constraint on the development.
85. Badgers: A subsidiary badger sett was recorded within Section 2 of the proposed development in close proximity of the route (28m). The proposed route has been refined such that construction would be 30m away from the sett, and the report notes that badger specific working methods would be employed in the vicinity of the sett. If these measures cannot be employed then the Biodiversity Officer notes that it would be necessary for a temporary sett closure licence from Natural England to be applied for. Suggestions for the protection of badgers on site have been proposed which the Biodiversity Officer is generally supportive of, but she stresses that permeability of the site is important in close proximity to the sett and therefore if fencing is required it should be suitably designed so it does not prevent badger movement. Also, badgers are highly active and therefore the location of the badger sett/usage of the badger sett may change by the time construction work starts. To ensure the proposed mitigation is still valid it is

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

advised that an updated badger survey (for Section 2) is required prior to commencement of development, and this and the fencing could be covered by conditions.

86. Breeding birds: The Biodiversity Officer has agreed that a full breeding bird survey would not be required due to the size of the site, however a precautionary mitigation methodology should be adhered to to prevent any offences being committed. Any works to vegetation that may provide suitable habitats should therefore be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If any vegetation needs to be removed during the breeding season then examination must be carried out by an experienced ecologist prior to works starting. An informative to reflect this advice is proposed. Any hedgerows and trees that are to be retained within the proposed development area should be protected during construction in line with standard arboriculture best practice and a condition to this effect is proposed.
87. Ecological enhancement measures are set out in the EMS which include native species planting and habitat creation and the installation of bat and bird nest boxes and habitat features for small mammals, amphibians and invertebrates. A Landscape Management and Maintenance Plan has also been submitted which outlines how the ecological features on the site would be managed and maintained for maximum ecological benefit. The Biodiversity Officer has confirmed that these measures in relation to the proposed woodland, hedgerows and wildflower meadows are appropriate and the management should be implemented throughout the operational period of the proposed development, and a condition is recommended to this effect.
88. In summary it is considered that in relation to all ecological matters outlined above the proposed development is considered acceptable subject to the suggested conditions and precautionary working methods. As such it would comply with the guidance of the NPPF (specifically paragraph 170) and Core Strategy Policy DM15.

Biodiversity Net Gain

89. Biodiversity Net Gain (BNG) is one of the key objectives being brought forward by the Environment Bill 2019. The bill was introduced by Parliament on 15th October 2019 and is aimed at tackling the biggest environmental priorities of our time, signalling a step change in the way the natural environment is protected and enhanced. At the point of submission of the application the Environment Bill has not been made into law, accordingly the applicant has adopted best practice measures, in acknowledgment of the forthcoming changes, to provide BNG as part of the proposed development. A Biodiversity Net Gain Assessment was submitted in support of the application.
90. BNG is the result of a process applied to development so that there is an overall positive outcome for biodiversity. The process follows the mitigation hierarchy, which sets out that everything possible must be done to firstly avoid, secondly minimise and thirdly restore/rehabilitate losses of biodiversity on-site. The Natural England Biodiversity Metric 2.0 has been used to quantify the biodiversity values of existing habitats present on site and those proposed under the current design of the post-development landscape design.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

91. The BNG report states that the proposed development would result in a net gain of 28.10% in area-based Habitat Units and 25.16% in Hedgerow Units. As such the scheme would achieve a quantitative scheme-wide biodiversity net gain and would surpass the 10% minimum requirement of BNG associated with the emerging Environment Act. The BNG report also outlines how the proposed development adheres to the 10 BNG Good Practice Principles and states that it would achieve all of these, which are listed as: applying the mitigation hierarchy; avoiding the loss of biodiversity that cannot be offset by gains elsewhere; to be inclusive and equitable; to address risks; to make a measurable net gain contribution; to achieve the best outcome for biodiversity; to be additional; to create a net gain legacy; to optimise sustainability; and to be transparent.

Arboriculture

92. In addition to the landscape and visual impact section above it should be noted that the application has been supported by the submission of a tree survey and arboricultural report, which outlined which trees would be affected by the proposed development and mitigation measures to protect those that would be retained. A single Tree Preservation Order was identified as covering three groups of trees and one woodland within the study area, but no trees protected by this order would be removed. The proposed development would result in the removal of 15 trees, three B category tree groups being part removed and one B category wooded area being part removed. The adverse impacts associated with the removal of the trees, tree groups and wooded areas are proposed to be offset by the proposed landscaping, which would provide additional tree planting, hedgerows, wildflower grassland, bulbs and orchards along with the establishment of woodland. To ensure the proposed landscaping is properly looked after to ensure it establishes well, a Landscape, Management and Maintenance plan has been submitted. Tree protection measures are proposed for those features that would be retained on site to ensure they are protected during construction.

Archaeological and Heritage Impacts

93. The application was supported by the submission of an Historic Environment Desk Based Assessment (HEDBA) of the site covering both sections of the road scheme. The study looked at both buried heritage assets (archaeological remains) and above ground heritage assets (structures and landscapes of heritage interest) within or immediately adjoining the site. It also considered the impact of the scheme on the historic character and setting of designated and non-designated assets within and beyond the site (e.g. views to and from listed buildings and conservation areas).
94. The HEDBA identified that above ground heritage assets that may be affected by the scheme comprised both designated and non-designated assets within the site boundary, directly adjacent and also within the wider vicinity, where setting is a consideration. These included Fort Burgoyne scheduled monument which lies 665m to the south-east of Section 2 and Dover Castle scheduled monument which lies 1.2km to the south. Duke of York's Military School and a non-designated railway air shaft lie close to the access point of Section 2 onto Dover Road. The Military school lodge gates lie approximately 70m from the proposed access onto Dover Road and the air shaft 55m away. The HEDBA states that the proposals (specifically the access of Section 2 of the road onto Dover Road) would result in less than substantial harm to the Grade II listed

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

West Entrance Lodge Gates of the Duke of York's Military school. It also notes that due to the nature of the road scheme no mitigation has been proposed that can reduce the effect entirely as the road would cut across the current rural landscape affecting views from the lodge gates.

95. No other significant effects are identified by the HEDBA in respect of the designated heritage assets. Views of the proposed new road from Dover Castle and Fort Burgoyne would be too distant and the un-designated railway air shaft would not be physically affected by the proposals. The report notes that a Construction Environmental Management Plan (CEMP) could be used to put in place measures to deal with potential dust, vibration and strike damage during construction.
96. In terms of buried heritage assets, the HEDBA notes that there have been a considerable number (48) of past archaeological investigations within the study area and three within the site, mostly associated with the White Cliffs Business Park. These have recorded evidence of prehistoric and Roman activity in the form of Lower Palaeolithic artefacts and isolated cut features associated with agricultural activity. In support of the current planning application an archaeological geophysical survey was carried out for both sections and revealed no remains of clear prehistoric or Roman origin. However, the report notes that clay geology is not conducive to this method of survey and features of archaeological interest, in particular flint concentrations, may not have been identified.
97. Potential archaeological assets that may be affected by the two sections of road include prehistoric remains, Roman remains including possible cremation burials, post medieval remains, and previously unrecorded 20th Century military remains. The report suggests that archaeological survival is predicted to be high across the majority of the site based on the lack of previous development, other than localised impacts from the construction of existing highways, modern ploughing and possibly historic quarrying activity. The likely impact to archaeological remains would be from the initial site wide topsoil strip for the new road sections, construction compounds and from the excavation for the drainage features. Additional impacts as a result of piling, landscaping and the insertion of services is also noted.
98. The County Council's archaeologist has been consulted on the planning application and confirmed that the scope of the assessment and survey works were agreed with him during pre-application advice which had been sought by the applicant. He notes that the HEDBA includes a comprehensive account of the area and the potential for archaeological remains to be present within the development site. In his consultee response he states that he agrees with the assessment provided but would also include the potential for archaeological remains associated with World War I period military activity, including remains relating to a wider system of field defences erected around the port town of Dover and remains of practice fieldworks associated with soldiers camped/accommodated in the area.
99. The HEDBA makes recommendations for any previously unrecorded archaeological assets to be preserved by means of a programme of archaeological investigation, for example 'strip, map and sample' during the preliminary site strip at the start of the enabling works/construction phase. The County archaeologist states that he concurs with the recommendations of the HEDBA and therefore raises no objection to the

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

development subject to the imposition of conditions to secure this work. These would include the need to secure the implementation of a programme of archaeological work in accordance with a written specification and timetable to be approved by the County Planning Authority (prior to the commencement of development) and one to provide a Post Excavation Assessment Report for approval within 9 months of the completion on site.

100. The County Council's Conservation Officer was also consulted in relation to the planning application and provided comments in relation to the proposed scheme, where he also concurred with the findings of the HEDBA in that the proposals would result in less than substantial harm to the above ground assets.
101. Given the findings of the HEDBA and the views of the County archaeologist and Conservation Officer, it is considered that the development would accord with the guidance of the NPPF, specifically paragraph 190.

Flood Risk and Drainage

102. The application has been supported by the submission of a Flood Risk Assessment. The proposed development would be located on greenfield land which is located in Flood Zone 1. Based on Table 2: Flood Risk vulnerability classification in the PPG to the NPPF, the proposed development would be classified as 'Essential Infrastructure'. Under the NPPF all types of land uses are considered appropriate in Flood Zone 1. Flood risk from coastal & tidal and fluvial sources at the site is considered to be Negligible and Very Low respectively, and flood risk from groundwater sources is also considered to be Very Low. Flood risk from sewer and drainage infrastructure is considered to be Medium, however the FRA notes that there are no records of flooding affecting the site directly and the inclusion of a sustainable surface water drainage strategy would ensure that there would be no increase to flood risk. All of Section 2 has a Very Low Risk of flooding from overland sources, and whilst the majority of Section 1 is the same, there is an area where the overland flow flood risk needs to be mitigated against.
103. The mitigation proposed for this is the provision of a swale adjacent to the northern edge of Section 1 of the road to intercept flows emanating from the west and direct them further downstream to re-join the existing overland route. The County Council's Flood and Water Management Team have considered the details submitted in the Flood Risk Assessment which included a detailed surface water drainage strategy (as described in the proposals section above). They note that the proposals utilise a combination of swales and balancing ponds along the length of the carriageway which accept both the surface water from the road and also intercept and divert the overland flow path via a culvert to continue through to the Halsbury Homes site as the existing flow path. They note that a condition requiring the submission of a surface water drainage scheme based on that set out on the FRA to demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and dispersed of without increase to flood risk on or off-site would be required for Section 1 of the proposed road. Sufficient information has been included in the FRA for Section 2 of the scheme, therefore a separate compliance condition has been included for this section in relation to surface water drainage. Secondly a verification report for both sections of the

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

road would be required prior to the road being bought into use, to demonstrate the modelled operation of the scheme, and this would need to be agreed by the County Planning Authority. Subject to these conditions, no objection is raised to the development on drainage or flooding grounds, and the scheme is considered to accord with the guidance of the NPPF.

Contamination Impacts

104. The planning application has been supported in relation to assessing its impact on ground contamination by a Preliminary Risk Assessment and a Coal Mining Report. As noted earlier in the report the site area for both sections is predominantly agricultural land. The site has been developed over time with pits being quarried (1898 and 1908) before being backfilled (1961 and 1981), and historical mapping shows a Roman road running through section 2 (now the North Downs Way National Trail) as well as the air shaft associated with the rail tunnel. Historically the surrounding areas are also agricultural with more recent commercial, industrial and residential uses. According to the Coal Authority both sections are located within an area where coal mining has been reported, however no mine entries, potential zones of influence, surface mining, shallow coal workings or probable shallow coal workings fall within 1km of the site. The proposed development is within source protection zone 3 and located upon a principle aquifer therefore controlled waters are particularly sensitive.
105. The Preliminary Risk Assessment identified a series of low or low-moderate risks associated with the construction works in relation to matters such as the risk to future site users, risk from ground gas to third party neighbours, risk to surface water, risk to groundwater and risk to underground structures. A moderate risk to construction workers was found due to the potential for direct contact with contaminated soils, groundwater or ground gas, and a high risk was found in relation to the potential for unexploded ordnance. However, such risks would be managed through the relevant health and safety legislation and protocols. The Environment Agency (EA) has considered the information provided and concurs that the risks posed could be managed, in particular with regard to the risks to controlled waters, however additional information would need to be secured via a planning condition prior to construction being undertaken. A 'pre-commencement' condition requiring this information to be submitted was requested by the EA, however the applicant has sought to provide this information now, to avoid the need to discharge a condition before construction can begin. The EA have been consulted on this additional information, which provided a Quantitative Risk Assessment of the site and they have agreed that the information submitted is acceptable, and therefore any consent should now be conditioned to be carried out in accordance with this document. As a result further conditions are required by the EA which would include the need to submit a verification report to demonstrate any remediation has been undertaken; that if any contamination is found which has not been identified then work should cease until a remediation strategy has been agreed; that no drainage systems for the infiltration of surface water to the ground are permitted without consent, and that piling should not be carried out without the consent of the County Planning Authority. Subject to these conditions, which are included in the recommendation below, the EA raise no objection to the development.
106. The Coal Authority were also consulted on the application and have confirmed that the application site falls within the defined 'Development Low Risk Area'. They have

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

therefore advised that the Coal Authority's 'Standing Advice' be brought to the attention of the applicant as an informative, in the interests of public health and safety. Such an informative is proposed and the applicant has already been made aware of this advice.

107. Given the above it is considered that the proposals would accord with the aims of Policy DM17 of the Core Strategy for the protection of groundwater sources, subject to the imposition of the conditions proposed above.

Construction

108. Given the proximity of the development site to neighbouring residential, commercial and retail premises and the scale of the proposals, the scheme would need to be constructed in accordance with a Construction Management Plan (CMP) which would set out measures to protect amenity and existing uses and roads. The CMP should include matters such as the hours of operation for construction; the number, frequency and routing of all construction and delivery vehicles accessing the site; parking and turning areas for construction and delivery vehicles and site personnel; timing of HGV movements (to avoid school drop off and pick up times); the provision of wheel washing and other facilities to prevent dust, dirt, detritus from entering the public highway (and a means to remove it if it occurs); and access arrangements. The CMP would also need to include the ecological mitigation requirements raised above such as the need for any ecological mitigation works to be implemented under an ecological watching brief and the need for fencing to be suitable for retaining badger connectivity on site.

109. A suitably worded condition to this effect has been suggested and it is proposed, for clarity, that the requirements of the CEMP (discussed above in relation to noise impacts and archaeology) and the CMP be incorporated into one condition/document for ease of reference for contractors and to ensure no matter gets overlooked.

Other Matters

110. The proposed Section 1 of the Fastrack scheme would be sited on land which is owned by Halsbury Homes and as noted above in the Representations section (paragraph 33), an objection was received from Halsbury Homes with regard to the planning application. Whilst some of the comments are a matter of opinion or preference it is considered important to address a number of the remarks made. Halsbury Homes state that the road appears to have been designed for high volumes of traffic and are concerned the road and bridge would be opened to all traffic. The road has been designed in accordance with the Design Manual for Roads and Buildings (DMRB), Manual for Streets (MfS), Manual for Street 2 (MfS2), and Kent County Council's design guidance, in line with its proposed use. The route would be controlled by bus gates and ANPR cameras and would accommodate eight buses an hour at its peak. The carriageway width and the width of the shared path match the design of the road corridor shown on the approved plans for the Whitfield Urban Expansion development. Notwithstanding this, the scheme is proposed to be subject to a condition (in line with a request by Highways England) which restricts use to buses, cyclists, pedestrians and emergency vehicles only.

111. Secondly they comment that the roads disregard already approved building plots for the Whitfield Urban Expansion. In response the applicants note that the road has been

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

widened compared to the masterplan at the points where the buses need to pass the pedestrian refuge islands, which results in a slight overlap between the previously consented permission and this proposed development. The swale and culvert proposed to manage overland surface water do take into account the attenuation basin shown as part of the reserved matters applications, and the applicant considers both can be implemented. Finally, the verge and cut off drain at the south-eastern side of the road would be a temporary measure. The verge would be replaced with a footway as the wider housing scheme is developed and the cut off drain superseded by whatever drainage is agreed for that development.

112. Dover DC (responsible for determination of the wider Whitfield housing development) commented in their response to this application that there were minor differences between the approved roads which formed part of the reserved matters applications which have been approved and the road proposed as part of this application. However, their view was that given the two alignments only differ marginally they did not consider the housing developments would be prejudiced by this application.
113. With regard to Halsbury Homes comments about the lack of compliance with the Special Area of Conservation mitigation and Green Infrastructure, again the layout differences are considered to be minor and would not prejudice any consented developments. The size of the surface water drainage basins are based on the infiltration rates of the chalk and therefore cannot be amended or reduced as requested by Halsbury Homes. Additional accesses onto Section 1 of the road would be determined as part of any future phases of housing development (to be determined by DDC), and therefore have not been shown at this stage.
114. Finally Halsbury Homes state that no agreement has been reached with themselves to acquire the land required for the Fastrack scheme, which would impact the delivery of the road, subsequently affect the funding, and that any compulsory purchase of the land would make the scheme unviable. The applicant, in response to this, has advised that they are actively negotiating with Halsbury Homes to secure agreement, but should it be necessary, in parallel KCC will be following a Compulsory Purchase Order (CPO) procedure, which Halsbury Homes are aware of. KCC (as applicant) are hopeful that agreement can be reached, but if not, the CPO procedure provides the certainty that the land can be secured in relation to the funding approval with Homes England.

White Cliffs Inland Border Facility

115. On 24th September 2020, the Secretary of State for Housing, Communities and Local Government made the following Order: The Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020. The Order applies to land in England within the areas specified in Schedule 1 of the Order, which includes the area administered by Kent County Council. The Special Development Order (SDO) grants temporary planning permission for development consisting of the use of land for the stationing and processing of vehicles (particularly goods vehicles) entering or leaving Great Britain, and the provision of associated temporary facilities and infrastructure. Development permitted by this Order can only be carried out by, or on behalf of, a border department named in the Order. The development must end by 31 December 2025, and all reinstatement works must have

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

been completed by 31 December 2026. SDO applications are submitted to and determined by Ministry of Housing, Communities and Local Government.

116. One of the Inland Border Facilities is proposed to be located on land at White Cliffs Business Park, Dover to the east of Section 2 of the Dover Fastrack scheme. We have been advised that public engagement on the White Cliffs Inland Border Facility will commence shortly. The Fastrack scheme would not compromise the Special Development Order proposal or vice versa.

Conclusion

117. This application proposes the construction of two new sections of road which would be utilised for a new Bus Rapid Transit (BRT) system called Dover Fastrack. The new sections of road would link the Whitfield Urban Expansion to the north of Dover to Dover Priory Railway Station via an overbridge across the A2, along Honeywood Parkway and then a route through White Cliffs Business Park linking to Dover Road. The proposal has given rise to a variety of planning issues including highway and transportation issues, landscape, visual amenity, noise and air quality, ecological matters, and general amenity concerns, along with the need for the development. These matters have been considered and addressed throughout this report and must be balanced against the strong strategic and policy support for the provision of a BRT scheme in Dover. The development would satisfy the local priority objectives of the County Council's 'Local Transport Plan 4: Delivering Growth without Gridlock'. Subject to planning permission the project stands to benefit from £16.1million of funding from Homes England through the Housing Infrastructure Fund – a material consideration for the purpose of determining this application. The proposed Inland Border Facility application would not be affected by the approval of the Fastrack Scheme and the Special Development Order, under which it is being applied for, would only allow a temporary use of the site until 31st December 2025 if permitted.

118. In determining development proposals, planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, and the NPPF states that proposals that accord with an up-to-date Local Plan should be approved without delay. The proposed development specifically meets the aims of policies LA2 of the Land Allocations Plan (2015), and Policies CP6 and CP11 of the Dover Core Strategy (2010). Furthermore, it would accord with the Whitfield Urban Expansion Masterplan (2011) and is a priority public transport scheme listed in the Dover Transport Strategy 2007.

119. Having had due regard to the planning documents submitted as part of this application, the consultation responses received and representations made, I am of the opinion that the proposed development, subject to the conditions listed below, would not give rise to any material harm, is acceptable and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained within the NPPF. I therefore recommend that planning permission be granted.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

Recommendation

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

1. Development shall be begun within 3 years of the date of the permission.
2. Development to be carried out in accordance with the submitted details.
3. Prior to the commencement of either section of road details of all the proposed structures, including the overbridge, retaining walls, paving and hard surfaces, carriageway design and materials shall be submitted to the County Planning Authority for prior written approval.
4. Prior to their installation, details of the fences, railings and gates shall be submitted for the written approval of the County Planning Authority and thereafter implemented as approved and retained.
5. The implementation of the landscape design proposals as set out on drawing numbers DVFT-WSP-S1-XX-DR-L- 0101-0108 Rev P05 Landscape General Arrangement Plans 1-8, DVFT-WSP-S1-XX-DR-L-0201 Landscape Cross Section, and DVFT-WSP-12-XX-DR-L- 0202-0204 Rev P01 Typical Landscape Details, within the first planting season following the opening of each section of the road to ensure the visual impact of the development is softened through the landscaping proposed.
6. The replacement of any trees, shrubs hedges etc that are destroyed, dead or dying within 5 years of planting, with large nursery stock of the same species in the same places.
7. The Landscape Management and Maintenance Plan (WSP, July 2020) must be implemented as detailed for the lifetime of the development, and the management plan must be regularly reviewed and any updates to the management plan submitted to the County Planning Authority for written approval.
8. Tree protection measures for all trees and hedgerows to be retained on the development site shall be erected prior to the commencement of development and retained for the duration of the works.
9. Prior to the commencement of the development of each individual section, a Construction Environment Management Plan (CEMP) shall be submitted to the County Planning Authority for written approval, and development shall be carried out in accordance with this document. The CEMP shall include details of the scale, timing and mitigation of all construction related aspects of the development and include (but not limited to):
 - the required mitigation measures needed to control the potential nuisance from noise, dust, vibration and night-time bridge works including the need for a Section 61 prior consent agreement with Dover District Council under the Control of Pollution Act for night-time works associated with the bridge construction;
 - site hours of operation;
 - numbers, frequency and type of vehicles visiting the site;
 - travel plan and guided access/egress and parking arrangements for site works, visitors and deliveries;

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

- wheel washing and other facilities to prevent dust, dirt and detritus from entering the public highway (and means to remove it if it occurs)
 - potential dust, vibration and strike damage to heritage assets during construction;
 - details of the ecological mitigation to be written by an ecologist;
 - that the ecological mitigation works be implemented under an ecological watching brief and timings of works affecting biodiversity be decided by an ecological clerk of works;
 - that any fencing on site retains connectivity on site for badgers.
10. The scheme as approved, shall only be used for the purposes of buses, pedestrians, cycles and emergency vehicles, and shall not be used for any other vehicular traffic unless otherwise agreed in writing with the County Planning Authority.
 11. Within 3 months of the commencement of each Section of the development, a lighting strategy designed to meet the requirements of the lighting strategy within the Ecological Mitigation Strategy (WSP, July 2020) shall be submitted to the County Planning Authority and approved in writing. This shall include details of the lighting columns and hours of lighting operation.
 12. Prior to the commencement of development of Section 2 of the road, an updated badger survey must be carried out and the results of the survey and details of any new/additional ecological mitigation required must be submitted to the County Planning Authority for written approval.
 13. Prior to the commencement of the development of each individual Section the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written specification (WSI) and timetable which has been submitted to and approved by the County Authority.
 14. Within 9 months of the completion on site of the archaeological mitigation works referred to in the above condition, a Post Excavation Assessment Report shall be submitted to the County Planning Authority for written approval.
 15. The development shall be carried out in accordance with the submitted document 'Dover Fastrack Sections 1 and 2 – Generic Quantitative Risk Assessment' (WSP, December 2020).
 16. Prior to any section of the road being brought into use, a verification report demonstrating completion of the works for that section, as set out in the agreed remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the County Planning Authority.
 17. If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority.
 18. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written approval of the County Planning Authority.
 19. Piling using penetrative methods shall not be carried out other than with the written approval of the County Planning Authority and having undertaken a Piling Risk Assessment.

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

20. Prior to the commencement of Section 1 of the road a sustainable surface water drainage scheme shall be submitted to (and approved in writing by) the County Planning Authority. The drainage scheme shall be based upon the submitted Flood Risk Assessment (WSP, August 2020) and shall demonstrate that the surface water generated by this development can be accommodated and disposed of without increase to flood risk on or off site.
 21. Section 2 of the road shall be implemented in accordance with the details of the sustainable surface water drainage scheme contained within the submitted Flood Risk Assessment (WSP, August 2020).
 22. The road (or each section of the road if developed separately) shall not become operational until a Verification Report, pertaining to the surface water drainage system, has been submitted to and approved in writing by the County Planning Authority.
 23. The mitigation measures outlined in the WSP Air Quality Assessment report (reference DVFT-WSP-12-ZZ-RP-AQ-0001 dated August 2020) shall be implemented as set out.
 24. Should any bunding/mounding be proposed, in addition to that shown on the application drawings, details must first be submitted to and approved in writing by the County Planning Authority.
 25. Prior to their installation, details of the permanent bus shelters shall be submitted for the written approval of the County Planning Authority and thereafter implemented as approved and retained.
 26. The development shall be carried out in accordance with the Biodiversity Net Gain Assessment, the Ecological Mitigation Strategy and the submitted plans to ensure the development achieves the scheme wide biodiversity net gain as set out.
 27. Prior to the commencement of any works affecting the Public Rights of Way ER54 and ER60, a Public Right of Way Management Scheme shall be submitted to and approved in writing by the County Planning Authority, which shall include details of surfacing, width, signage, alignment and the two crossings, based on that shown on the plans hereby approved.
121. I FURTHER RECOMMEND that the following INFORMATIVES be added:
1. That the applicant ensures that all necessary highway approvals and consents are obtained;
 2. That the applicant takes note of the Coal Authority's Standing Advice;
 3. That the applicant ensures that the development is carried out in accordance with Network Rail's Asset Protection Informatives for works in close proximity to Network Rail's Infrastructure (updated guidance, dated January 2021);
 4. That the applicant takes note of the Kent Police Designing Out Crime Officer general advice;
 5. The applicant be reminded that if a temporary closure of a Public Right of Way is required there is a 6 week time frame to issue such, and that any temporary closure cannot be issued until a diversion order is confirmed, and that an alternative route must be constructed;

Item D1

Creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only - Land to the north of Dover and to the south of Whitfield, Kent – DOV/20/01048 (KCC/DO/0178/2020)

6. The applicant be reminded that a Section 61 prior consent agreement under the Control of Pollution Act for night-time works associated with the bridge construction, as specified in the condition above, should be sought from Dover District Council;
7. Works should be carried out outside of the bird nesting season (March 1st to August 31st inclusive) unless approved by an ecologist;
8. The felling of trees identified as suitable for roosting bats should be undertaken in a precautionary manner to minimise any risks to this species group.

Case Officer: Mrs Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading
