

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.

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**Item D1**

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

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

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

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Mike Baldock & Mr Mike Dendor

Classification: Unrestricted

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

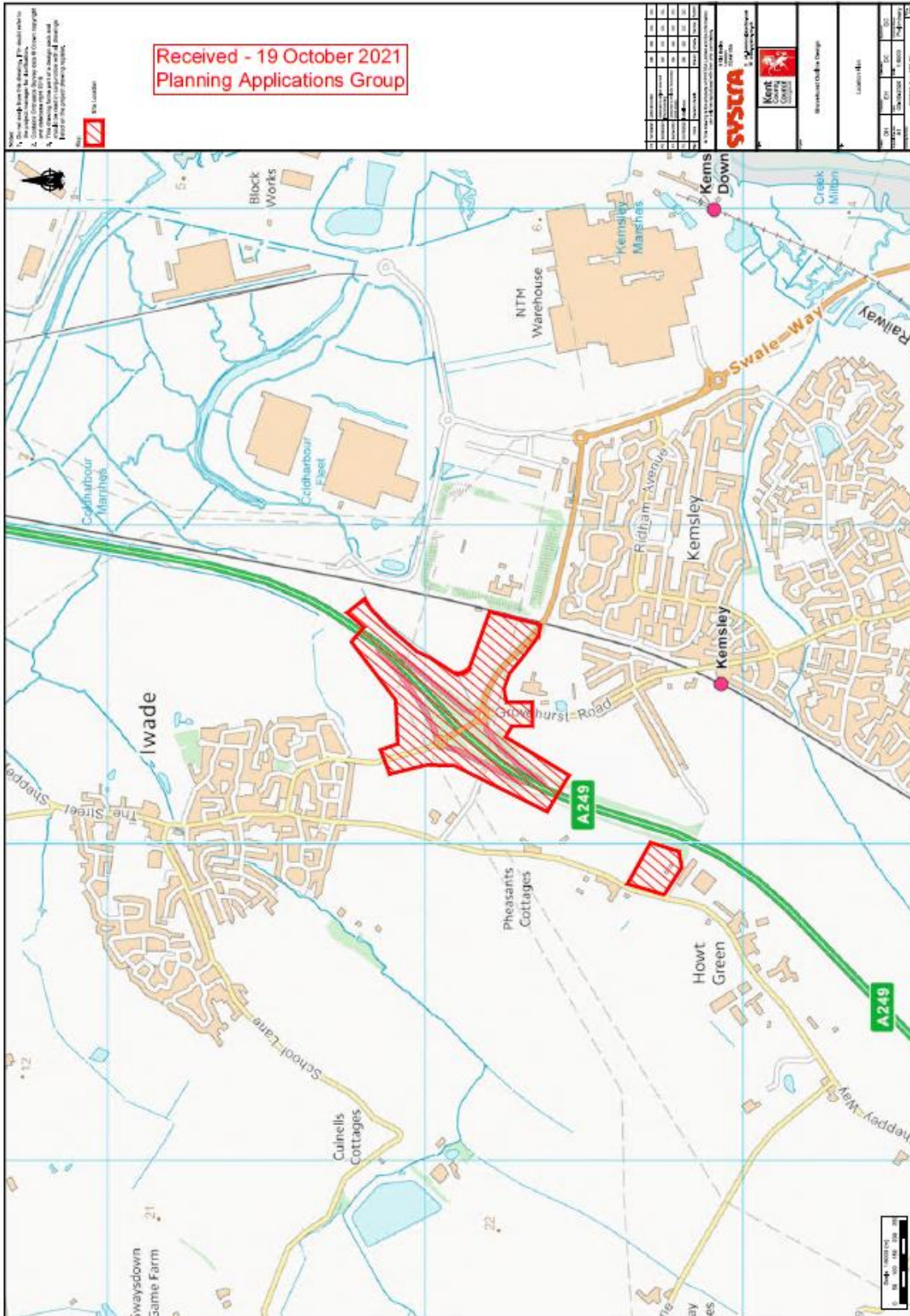
**Site**

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

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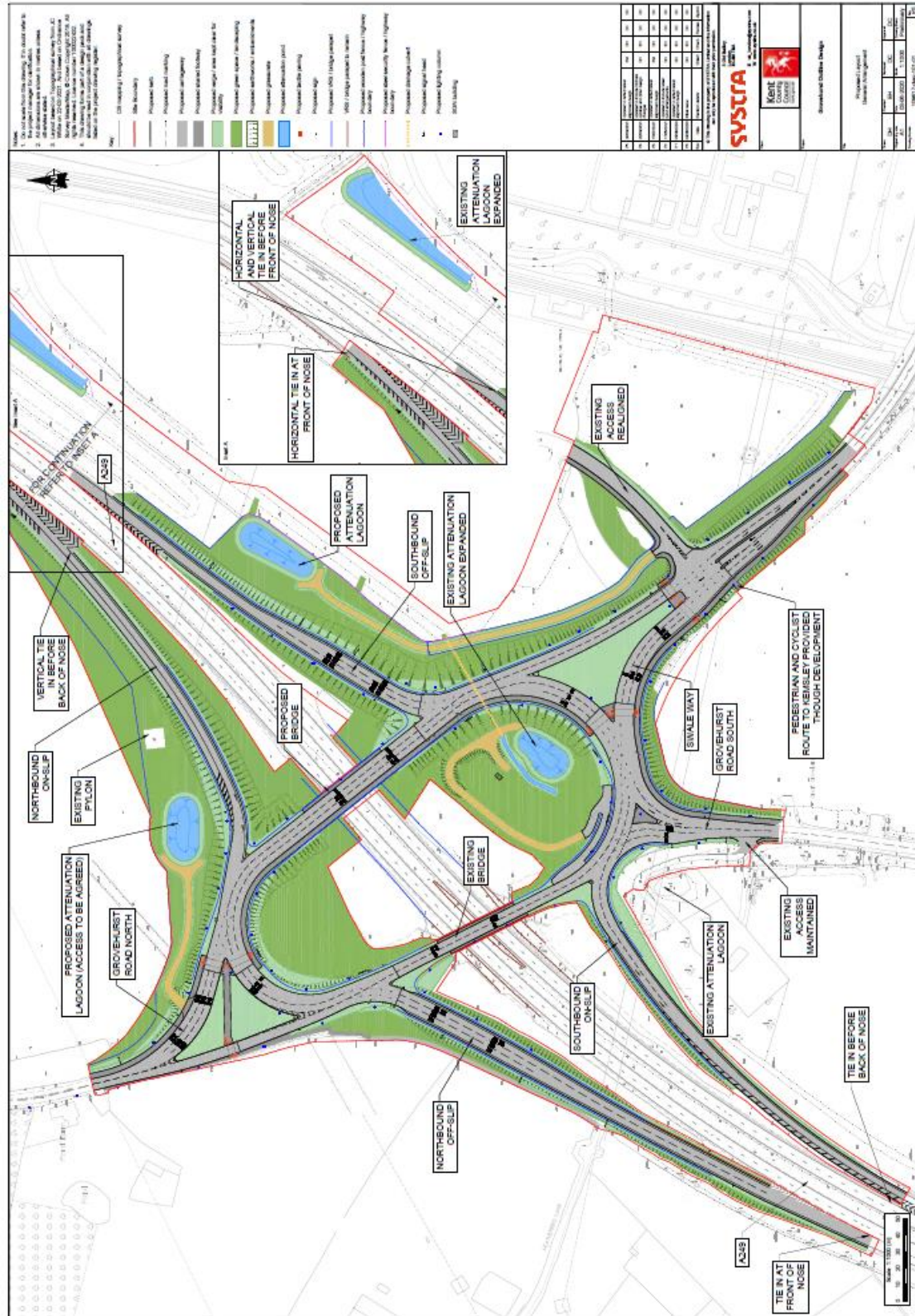
**General Location Plan**



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**Proposed Layout – General Arrangement**



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

**Planning History**

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

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**Other Planned Development in Proximity to the Junction**

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

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

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

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

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

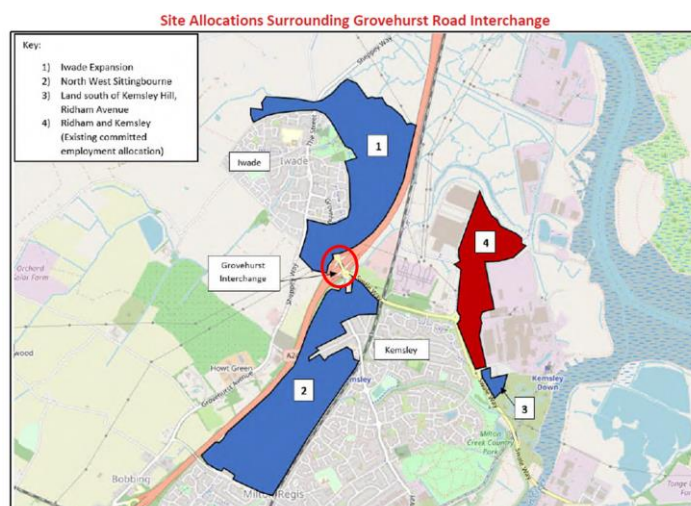
19/501332/FULL Land at Pond Farm – Awaiting decision

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

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

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

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



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

**Environmental Impact Assessment (EIA) Screening**

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

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

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

### Proposal

17. The application seeks approval for a new gyratory to replace the existing dumbbell junction configuration at the Grovehurst Road junction with the A249 in Sittingbourne. The new gyratory would have a roughly oval footprint raised above the A249, which would run underneath. The proposal includes the following elements which will be described in detail below:
- Repurpose the existing bridge to form part of the new gyratory
  - Construction of an additional bridge north-east of the existing one to form part of the new gyratory
  - Removal of the existing dumbbell roundabouts to both the north-west and south-east of the A249
  - Alterations and reconstruction of the A249 slip roads
  - Alterations to the roundabout approaches and exit arrangements between the new gyratory, Grovehurst Road and Swale Way
  - Installation of traffic lights on the gyratory and respective roundabout approaches
  - Introduction of controlled pedestrian and cycle (toucan) crossings
  - Provision of a new access into Nicholls Transport Logistics Park off Swale Way
  - Associated earthworks, drainage and landscaping
  - Temporary use of site as a staff welfare compound



Proposed Junction Design

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New Gyratory

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

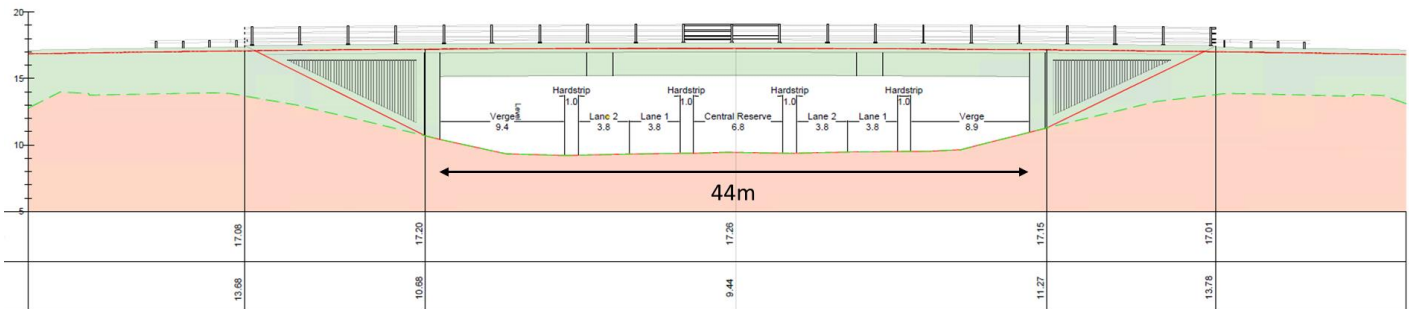
New Highway Bridge

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



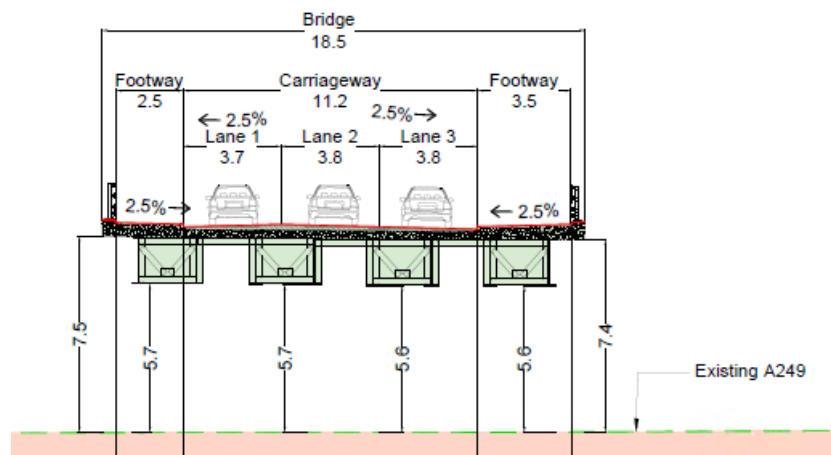
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Elevation 1 - Proposed Bridge

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



Slip Road reconfigurations

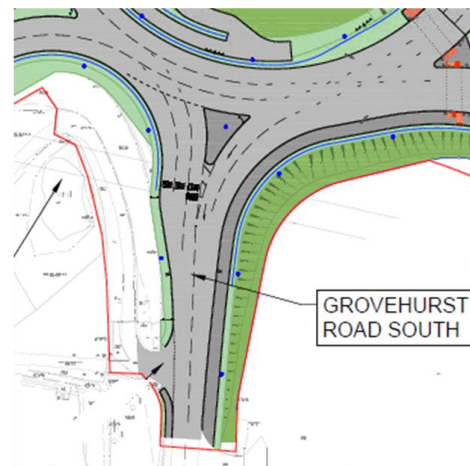
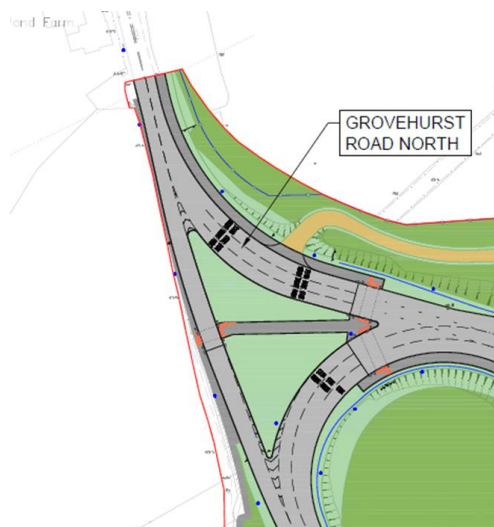
22. As the junction would be enlarged, the northbound on slip and southbound off slip would need to be completely reconstructed, with earthworks forming new slip road embankments between the new gyratory level and the A249 level. The alignment of the northbound on slip would be moved to the north to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

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

### Alterations between Grovehurst Road, Swale Way and the new Gyratory

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



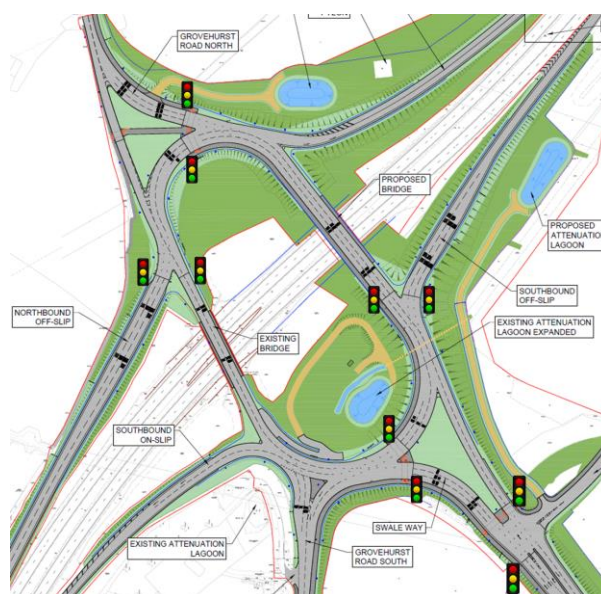
26. The existing Swale Way would be reconfigured on both the approach to and exit from the gyratory. The new approach road would be located approximately 60m to the east of the existing dumbbell roundabout and have a length of 90m and a width of 11m, incorporating three lanes of traffic. The new exit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

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Installation of traffic lights to Gyratory and approaching roads

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

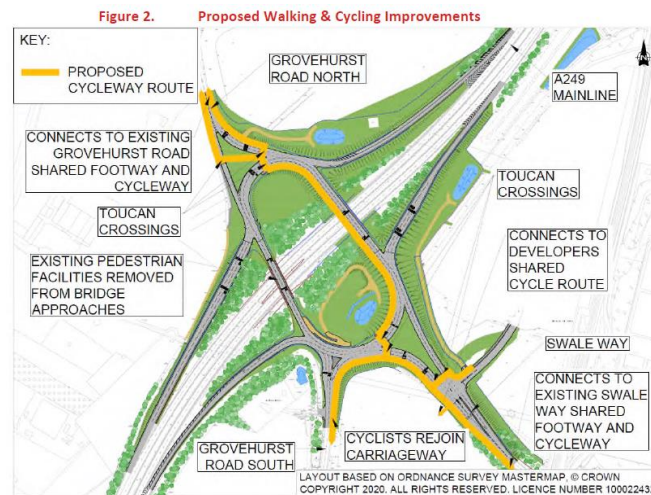


Controlled pedestrian and cycle crossings

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

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



### New access to Nicholls Transport off Swale Way

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

### Earthworks, Landscaping and Drainage

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

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

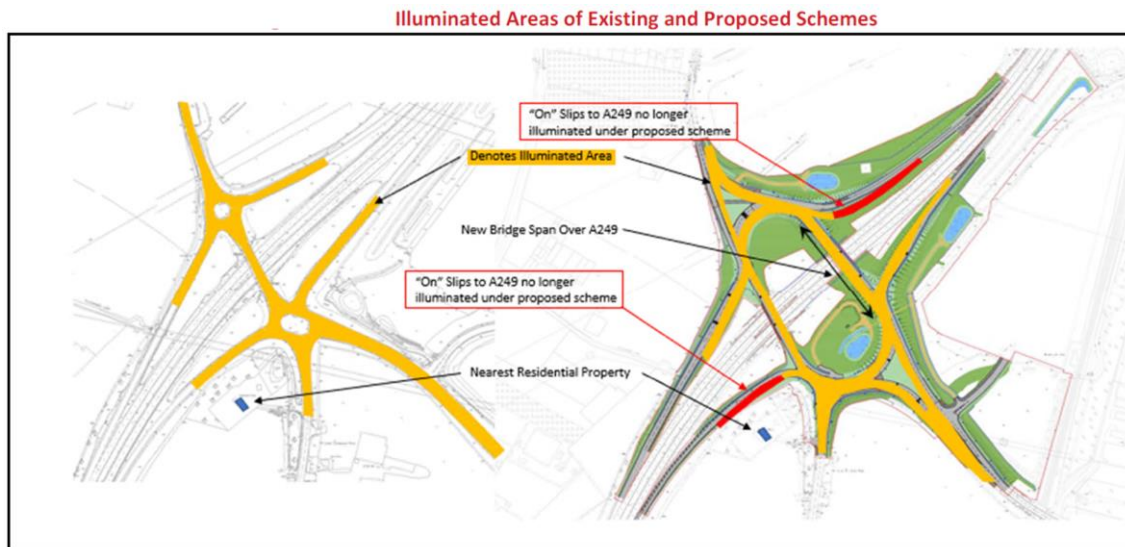
Staff Welfare Compound

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

Signage, Street Lighting and Speed Limits

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

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



Existing and Proposed Speed Limits

Construction Programme

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

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**Planning Policy**

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

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

In determining applications, the NPPF states in paragraph 38 that local planning authorities should approach decisions in a positive and creative way, and decision makers at every level should seek to approve applications for sustainable development where possible.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Other Material Considerations:**

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

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

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

**Consultations**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Lower Medway Internal Drainage Board** - No response received.

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

**UK Power Networks** - No response received.

**Network Rail Infrastructure Limited** - No response received.

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**Local Member**

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

**Publicity**

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

**Representations**

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

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

**Discussion**

42. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 36 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The proposal therefore needs to be considered in the context of the Development Plan Policies, Government Guidance, local finance considerations and other material planning considerations arising from consultation and publicity.
43. This application is being reported for determination by the Planning Applications Committee due to the objection received to the scheme. In my opinion, the key material planning considerations in this particular case are the principle of development and the need for the junction improvements; the transport benefits and impacts of the scheme;

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

**Principle of Development and Need for Junction Improvements**

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

**Funding – Localism Act**

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



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

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

**Transport Benefits and Impacts of the Scheme**

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

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

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

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

**Visual Impact of the Scheme**

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

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

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

**Impact on Residential Amenity**

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

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

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

**Air Quality**

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

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

69. During the construction phase the report states that there is potential for air quality impacts as a result of fugitive dust emissions from demolition, excavation, earthworks, ground works, construction and trackout activities. Vehicle movements both on site and on the local roads also have the potential to result in the re-suspension of dust from haul roads and highway surfaces. The effects that could result from these activities on this project are annoyance due to dust soiling and the risk of health effects due to a significant exposure to PM<sub>10</sub> (Particulate Matter). The report states that the potential risk of dust soiling is high from earthworks and trackout and medium from demolition and construction. The potential risk of human health effects is low from earthworks, construction and trackout and negligible from demolition. The report also notes that the potential for impacts depends on the distance from the dust generating activity and receptor location. Risk was predicted based on the worst-case scenario of works being undertaken at the site boundary closest to each sensitive area, therefore the actual risk is likely to be lower than that predicted during the majority of the construction phase. The report provides a table of potential mitigation measures for fugitive dust emissions (Table 24), in accordance with the IAQM guidance, which have been adapted for the development site and should be incorporated into a Construction Environmental Management Plan (CEMP). Assuming these measures are implemented the report concludes that the residual impacts from all dust generating activities during construction are predicted to be *not significant* in accordance with the IAQM guidance.
70. During the operational phase there is potential for air quality impacts as a result of traffic exhaust emissions associated with variations to road geometry and associated locations of vehicle emissions. An assessment was therefore undertaken using dispersion modelling in order to quantify potential changes in pollutant concentrations at sensitive locations. The assessment considered 2019 as the verification year and 2024 with a Do Minimum scenario of not building the scheme and a 2024 Do Something scenario, with the scheme. Five sensitive receptor locations were used for the assessment, shown as blue stars the diagram below:



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

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

71. The report concludes that the impact on annual mean NO<sub>2</sub> and PM<sub>10</sub> concentrations as a result of the scheme were predicted to be *negligible* at all the sensitive receptor locations and therefore the operation of the scheme was considered to be *not significant* in accordance with the IAQM and DMRB guidance.
72. The County Council's Air Quality consultant has reviewed the revised report and has confirmed that there are no outstanding concerns and he concurs with the findings of the report regarding air quality. It is considered, however, that a condition should be imposed to ensure that the suggested construction mitigation measures are implemented and this should be incorporated into the revised CEMP, as set out in the recommendation section below.

### Noise

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



Construction Noise Study Area



Operational Noise Study Area

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

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

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



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

**Construction**

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

Phase 1:

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

Phase 2:

- The new slip roads;

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

Phase 3:

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

Phase 4:

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

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

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

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

**Biodiversity and Ecology**

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

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

89. The PEA concludes:

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

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

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

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

**Flood Risk and Drainage**

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

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

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

**Contamination**

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

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

**Archaeology**

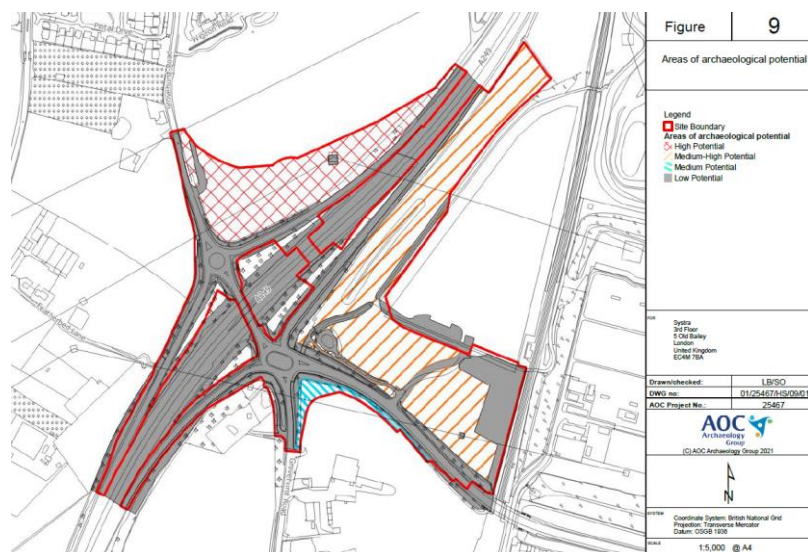
105. The application was supported by the submission of a Cultural Heritage Statement which set out to identify the known heritage assets and archaeological potential within the site, and thus identifying the potential for impacts and constraints. The impact on the setting of designated heritage assets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

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

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

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





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

**Minerals Assessment**

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



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

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

**Conclusion**

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

**Recommendation**

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

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

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

**Informatives**

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

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

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Case Officer: Mrs Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading