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25 November 2022

Dear James,

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

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

- Up to 8,500 residential homes including market and affordable homes; age restricted homes, assisted living homes, extra care facilities, care homes, sheltered housing and care villages
- A range of community uses including primary and secondary schools, health centres and nursery facilities
- Retail and related uses
- Leisure facilities
- Business and commercial uses
- Open space and public realm
- Burial ground
- Sustainable urban drainage systems
- Utility and energy facilities and infrastructure
- Waste and waste water infrastructure and management facilities

- Vehicular bridge links
- Undercroft, surface and multi-storey car parking
- Creation of new vehicular and pedestrian accesses into the site, and creation of a new vehicular, pedestrian and cycle network within the site
- Improvements to the existing highway and local road network
- Lighting
- Engineering works, infrastructure and associated facilities, together with interim works or temporary structures required by the development and other associated works including temporary meanwhile uses.

The County Council has reviewed the *further amendments* in relation to the Outline Planning Application as received by Folkestone and Hythe District Council, as Local Planning Authority on 31 August 2022. This also includes the *further information* and *other information* submitted on the same date in relation to the existing Environmental Statement. Overall, the County Council continues to have a number of significant concerns with the proposal, summarised below:

- KCC, as Local Highway Authority, advises that there are a number of significant outstanding issues to be resolved with the application as currently submitted and a holding objection is placed until these matters have all been addressed in full by the applicant at the earliest opportunity. These matters are set out in Chapter 1 (Highways and Transportation).
- KCC, as Minerals and Waste Planning Authority and Waste Disposal Authority, is not satisfied with the proposed strategy for the management of waste arising from the development. The application does not consider in appropriate depth the loss of the permitted waste management facility capacity at Otterpool Quarry against the Kent Minerals and Waste Local Plan (2013-30) (KMWLP). To support the development, a sustainable waste management strategy must be agreed, and ensuring the timely provision of appropriate waste management infrastructure is crucial. The County Council also raises landwon mineral safeguarding matters which require addressing in line with the KMWLP. Further detail is set out within Chapter 6 (Minerals and Waste) and Chapter 7 (Waste Management).
- The County Council's previous comments in respect of heritage conservation have not been addressed by the applicant. KCC is not satisfied with the assessment of harm that has been carried out in respect of the Prehistoric Barrows, leading to concerns regarding the impact and potential adverse effects that the proposed development may have on these assets. Further detail is set out within Chapter 9 (Heritage Conservation).

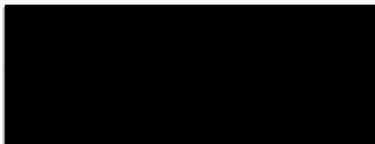
The County Council has reviewed the application in its entirety and has an extensive commentary to raise in response to the submitted material, set out clearly in a subject chapter format.

The County Council continues to support the positively planned delivery of a new garden settlement at Otterpool Park supported by the timely provision of infrastructure in a truly green setting. However, as this response highlights, there are a number of matters that require careful consideration ahead of determination of this planning application. The County Council would welcome further engagement with the applicant to discuss the issues raised within this response to ensure they are satisfactorily addressed to ensure that key infrastructure and services continue to be planned for, funded and delivered to a high standard.

The County Council would like to thank the Council and its officers for the collaborative approach they have taken to date and look forward to continuing this cooperative relationship for the benefit of both existing and future residents of Folkestone and Hythe and the wider County.

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

Yours sincerely,



Stephanie Holt-Castle
Director for Growth and Communities

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1. Highways and Transportation

The County Council, as Local Highway Authority, welcomes the opportunity to comment on the revised application material. The additional Transport documents follow on from further discussions between the County Council, the District Council in its role as Local Planning Authority and the applicant.

Response to Kent County Council

The required VISSIM (micro-simulation) model together with a local model validation report has still not been submitted as the required traffic surveys at M20 Junction 10 and 10A have not been completed yet. This is required so that KCC, as Local Highway Authority, can understand the total effect of the development across the local highway network on network flows, journey times and delay. Without this information KCC will be unable to reach a conclusion on the development impact and will maintain a holding objection based on a lack of supporting information being submitted.

Road Safety

Section 4.6 – It has been agreed with the applicant that a further crash search is required at M20 Junctions 10 and 10A so that KCC can understand whether or not the new motorway junction at 10A and subsequent changes to junction 10 have resulted in any highway safety issues.

Enabling Infrastructure

Section 5.4 - There are no details of land purchase discussions between the applicant and the landowners of the land that is required in order to provide the submitted turning heads for appropriately sized refuse vehicles on Aldington Road and Harringe Lane in order to facilitate the road closures to vehicle traffic. These schemes need to be led on by the applicant and addressed in full as part of the outline planning application. The County Council will not lead on these schemes as they are required to mitigate the impact of the development and to prevent rat-running on rural single width roads that are not suitable for increases in vehicular traffic.

Highway Access Strategy

Section 5.4 - The Stage 1 Road Safety Audit together with a Designers Response for both Newingreen junction and the A20 re-alignment still needs to be formally submitted to Folkestone and Hythe District Council. Where mitigation measures have also been identified for off-site junctions these also require a Stage 1 Road Safety Audit together with a Designers Response.

Further discussions are still taking place with the applicant regarding Newingreen junction to agree a suitable junction design.

Junction Capacity Assessments

KCC will not accept a 30mph speed limit along the A20 from day one as it would not meet the criteria in 'Setting Local Speed Limits' as it would not deliver a significant change in the environment along the A20 corridor and there will be significant enforcement issues. There will need to be a phased approach to any speed limit reductions along the A20 prior to development along the A20 corridor coming forward. It is suggested that there is a new 50mph speed limit upon commencement of development reducing to 40mph when some development comes forward and any segregated footway / cycleways are put in along the corridor and then 30mph when frontage development comes forward.

Junction 1: M20 Junction 10 - An updated assessment of this junction in conjunction with M20 J10a will be required, surveys will be undertaken following the completion of the A2070 roadworks in December 2022. A292 Hythe Road/M20 Westbound On-slip - Based on the submitted junction capacity assessments a mitigation scheme is required for the A292 arm as queuing and delay will increase significantly on this arm in the 2044 DS PM peak scenario.

Junction 2: M20 Junction 11 - Mitigation for this junction has been developed and is subject to further discussion with KCC.

Junction J7b: A20 Hythe Road / The Street - KCC has not seen any further mitigation plans for this junction.

Junction 12: Aldington Road / Lympe Hill - KCC has not seen any further mitigation plans for this junction. Any mitigation plans are likely to be subject to the closure of Aldington Road to the east to vehicle traffic to remove the give way line.

Junction 14: A261 London Road / Barrack Hill - KCC has not seen any further mitigation plans for this junction.

Junction 15: A259 / Dymchurch Road / Military Road Gyratory - KCC has not seen any further mitigation plans for this junction.

Junction 17: A20 Ashford Road / A20 Junction 11 LILO - KCC has not seen any further mitigation plans for this junction.

Junction 21a: M20 Junction 13 (Castle Hill Interchange) - A financial contribution of £50,000 is required towards widening the Churchill Avenue arm on the approach to the roundabout. All financial contributions will need to be index linked from Quarter 3 2022 and be based on the construction price index (new work, infrastructure).

Junction 23: M20 Junction 9 - KCC has not seen any further mitigation plans for this junction.

Junction 24: B2064 Cheriton High Street / B2063 Risborough Lane - A financial contribution of £210,000 is required towards sustainable transport measures along the Cheriton High Street corridor to mitigate the impact of the development.

Junction 25: B2064 Cheriton Road / A2034 Cherry Garden Avenue - The County Council is currently considering options to improve the operation of this junction both in terms of highway safety and capacity. A financial contribution of £150,000 is required to mitigate the impact of the development that KCC will use towards delivering a highway improvement scheme here.

Junction 26: A259 Prospect Road / Stade Street - KCC has not seen any further mitigation plans for this junction.

Junction 27: Barrow Hill Shuttle Signals - A planning condition is required to lengthen the cycle times to 120 seconds in order to mitigate the impact of the proposed development. Queue lengths will need to be monitored over time as part of the monitor and manage approach.

SH18: A260 Spitfire Way / White Horse Hill / A20 Slip Roads - It would be appropriate for National Highways to secure a contribution to widen the A20 coastbound off-slip to mitigate the impact of the development given that there are no current sources of funding towards the wider Local Plan highway improvement scheme.

SH19: Alkham Valley Road / A20 slip roads - A financial contribution of £30,000 is required towards widening of the Alkham Valley Road south arm on the approach to the roundabout to mitigate the impact of the development.

SH16: A260 Canterbury Road / Alkham Valley Road - The County Council is currently considering options to improve the operation of this junction both in terms of highway safety and capacity. As such a financial contribution of £200,000 is required to mitigate the impact of the development that KCC will use towards delivering a highway improvement scheme here.

All new junctions on to the local highway network will be assessed as part of the tier 2 application and approved as part of reserved matters applications (tier 3) which is acceptable to KCC Highways and Transportation.

Junction 42: M20 Junction 10A - An updated assessment of this junction will be required, surveys will be undertaken following the completion of the A2070 roadworks in December 2022.

Highway Mitigation

Whilst KCC as Local Highway Authority accepts the principle of a monitor and manage approach, highway mitigation schemes need to be agreed as part of this outline planning application for all of the above existing junctions where there are predicted capacity issues. This is so that KCC can be assured that in the event that the monitor and manage approach does not work and the trip rates are as predicted in the Transport Assessment, there are mitigation schemes that can be implemented that mitigate the impact of the development so that it does not result in a severe impact on the local highway network. Whilst the mitigation schemes are requested for the numerous junctions which have shown a detrimental traffic impact in the future year scenario, the travel plan measures being applied to this site, if

successful, may offset some of the forecast trips and the mitigation may not be required, hence the monitor and manage approach. It will therefore be necessary to set thresholds across the timeline of the build out for actual trips to be assessed against the forecasting to determine the level of accuracy once travel patterns have had an opportunity to establish themselves. The following junctions are where further mitigation plans, updated junction capacity assessments, Stage 1 Road Safety Audits and Designers Responses are required:

1. A292 Hythe Road/M20 Westbound On-slip - A292 Hythe Road arm.
2. A20 Hythe Road / The Street - A20 Hythe Road arm.
3. Aldington Road / Lympne Hill.
4. A261 London Road / Barrack Hill - KCC Highways and Transportation are currently implementing a highway improvement scheme which will remove the current free flow left turn onto Military Road from London Road and provide formal crossing facilities across London Road. This will should create gaps in traffic on London Road and thus make it easier for vehicles to exit Barrack Hill. Arcadis should model the impact that this will have on the operation of the junction. Furthermore, a keep clear junction on London Road would improve the capacity at this junction and enable vehicles to get out of Barrack Hill.
5. A259 / Dymchurch Road / Military Road Gyratory - See comments above.
6. A20 Ashford Road / A20 Junction 11 LILO - A traffic signal left in / left out junction has previously been discussed with the applicant.
7. M20 Junction 9 - Trinity Road and Fougères Way arms.
8. A259 Prospect Road / Stade Street - A keep clear marking scheme should be delivered post 2037 to enable vehicles to pull out of Stade Street when the pedestrian signals are called and therefore a plan therefore needs to be submitted showing the extent of the proposed keep clear markings.
9. Barrow Hill Shuttle Signals – A keep clear marking scheme should also be delivered as part of the Otterpool Park proposals to prevent the access to development site to the east of the A20 becoming blocked which will further worsen queuing and capacity here.

M20 Junction 11 - A Stage 1 Road Safety Audit together with a Designers Response is required for the proposed mitigation scheme.

A20 Ashford Road / Stone Street / Hythe Road (Newingreen Junction) - The proposed traffic signal junction means that the junction will operate within capacity in a 2044 DS scenario and is therefore acceptable in principle to KCC Highways and Transportation subject to vehicle tracking being provided for a 60 metre long Nu-Steel vehicle. A Stage 1 Road Safety Audit together with a Designer's Response is required for the proposed mitigation scheme.

User Centric Approach

An alternative scenario is now being promoted that is between the User Survey and the TA Main Assessment. This appears to be more realistic and sets out likely usage of sustainable transport modes such as rail, bus, walking and cycling. These modal share targets will of course need to be monitored as part of the monitor and manage approach.

Footway Along Barrow Hill

The carriageway along the A20 will need to be retained to at least a 6 metre width to allow two HGVs to pass one another in line with the width to the north of the railway bridge. As such Section B of the submitted plan should demonstrate a carriageway width of 6 metres. It would however, appear that the carriageway is much wider than the 6.1 metre carriageway width as currently indicated and therefore a topographical survey should be undertaken to confirm actual widths.

Parking restrictions will be required along the whole length of Barrow Hill due to some on-street parking that currently takes place within Section C on the A20 that currently narrows down the footway on the western side of the road and makes it very difficult for pedestrians including those with mobility issues. As such a plan should also be submitted showing double yellow lines up to the railway bridge along the whole section of A20.

A reduction in the speed limit to 30mph should also be promoted to the southern extent of Section C.

Electric Vehicle Charging Provision

It is intended that the Electric Vehicle charging will meet the Kent Design Guide requirements at a minimum. This requirement can be set by planning conditions attached to the outline planning application and the detail to be agreed as part of Tier 2/3 applications as development comes forward. This is acceptable to KCC.

2. Public Realm

The County Council notes that commentary provided within it's earlier response in respect of landscaping and street lighting will be considered at detailed design stage.

KCC notes that landscaping matters are generally agreed ahead of the street lighting but advises that these two elements should be designed in conjunction with one another to avoid potential conflicts between lighting column and tree locations.

3. Public Rights of Way

The County Council notes that Public Bridleways HE271, HE271A, HE317 and Public Footpaths HE221A, HE274, HE275, HE277 HE281, HE302, HE303, HE314, HE315, HE316 and HE371 would all be directly affected by proposed development.

Interim Environmental Statement Review, Temple (August 2022)

Potential Regulation 25

The County Council notes that this refers to “additional mitigation” in relation to PRow. However, the County Council considers that what is referred to at this outline stage is not additional mitigation, but what KCC would expect as standard - therefore, the County Council is seeking further mitigation measures to ensure appropriate connectivity.

The County Council also notes there is no mention or acknowledgement of the legal process for diversions which will be required during construction. This requires a safe, attractive alternative route to be provided and approved by KCC – this must be considered appropriately.

IRR 1 – Likely wase scenarios Offsite Infrastructure Assessment – 25/29

PRow works are noted as “only very minor physical works”. It should be noted that this is not necessarily the case, particularly in regard to Byway HE343 where more costly works are likely to be required.

Environmental Statement Vol 1 Non-Technical Summary

Within Section 16, the County Council requests that the PRow network is directly referenced – as opposed to reference to “existing routes”.

It should also be recognised that KCC requires controlled grade separated crossings with Non-Motorised Users (NMU) priority. Any Construction Traffic Management Plan (CTMP) is required to include the management of the PRow network during construction.

Construction of the Waste Site

The County Council recommends that these proposals include consideration of the PRow network. There should be more sustainable access for staff and opportunities for walking and cycling. The request for a 2m footway along the A20 is noted as important for PRow connectivity. The County Council would also request that PRow are included in noise and air quality assessments, particularly HE315 at Otterpool Manor (which is included in the assessment) and also HE303, HE271A, HE275.

4. Provision and Delivery of County Council Community Infrastructure and Services

S106 Agreement

The County Council notes the applicant's request for further detail of the scale and specifics of these obligations and KCC will work closely with the applicant going forward to discuss the additional information that is required.

Education

The County Council, as Education Planning Authority, has provided its response below to the Otterpool Park Response to Kent County Council (August 2022).

Otterpool Park Quod Responses – September 2022	KCC response as Education Planning Authority
<u>Early Years and Childcare</u>	
<p>KCC modelling shared with Quod in 2021 indicated a need for up to a maximum of 13 x 52 place nurseries (and a lower estimate of 8 x 52). Each of the primary schools (up to seven schools) will have an integrated or co-located nursery. The LLP proposes to commit to six additional nursery provision settings (subject to operators being identified to run them) which will be located throughout the development to meet these needs and there will be a significant amount of flexible community and retail space that would easily come forward for nursery needs (at least two settings and potentially more) as demanded by operators. The LLP is happy to review text that would ensure this represents a "solid" commitment appropriate to Tier 1.</p>	<p>KCC believes the text in the column to the left has an error in it. KCC has requested 15 x Early Years settings and not 13 as outlined. KCC appreciates the commitment, but requests that this is increased up to 15 settings in total.</p> <p>KCC appreciates that the commercial market will drive the need and timing of the additional settings, but it will be incumbent on the LLP to support the use of community and retail space to enable this. It is likely these settings will need to operate a full day care, 52 weeks a year model, that will support working parents, some of whom will need childcare for children aged under two years. KCC would appreciate the 'solid' commitment recognising this need. This means any nursery in a community building will need a dedicated space, rather than utilising a shared space which limits the hours of service provision.</p> <p>The County Council is willing to engage to agree the text of the commitment.</p>
<u>Primary Education</u>	
<p>The Development is likely to generate demand for up to 14 FE. Up to seven 2-3 FE primary schools are proposed on 2.6 ha sites. Department for Education (DfE) guidance</p>	<p>The County Council can agree to the 2.6ha for each primary school site. The sites must be of a regular size which allow all the land to be usable and must adhere to the site transfer</p>

<p>(BB103)1 recommends a minimum site area of 1.6 ha for a 2FE primary school and 2.6 for a 3FE school. The proposed 2.6 ha primary school sites are therefore of a sufficient size to accommodate 3FE if needed and are a very generous offer for a 2FE. 1 Department for Education, 2014. Building Bulletin 103: Area guidelines for mainstream schools.</p> <p>Given the Development's demand is likely to be up to 14 FE, in all likelihood the majority of the schools will be 2 FE. However providing each primary school on a 2.6 ha site provides maximum flexibility in the masterplan to deliver some schools as 3 FE if needed, especially the first one. This will likely to be beneficial to managing the early phasing (and more appropriate to the more urban setting of the first phase).</p> <p>As set out above, the Application does not deal with the potential for an additional 1,500 homes, which would be expected to meet its own primary school needs subject to the context at the time of that application coming forward. The LLP acknowledges the challenges (and DfE funding limitations) of opening schools early and will work with all stakeholders involved to come to be best solution. Given that the minimum viable size for a primary school is relatively low, it is expected that the primary school will be able to open very early on, even if not for first occupation, and therefore acquisition of land to meet needs off-site seems very unlikely (and disproportionate).</p> <p>The LLP is willing to offer deficit funding in the early years to address any DfE funding limitations of early opening. We would like to discuss the practicalities of this with you. If any off-site capital provision is required for primary education, which all parties are likely to want to avoid, if possible, for a variety of reasons including placemaking, this is not expected to require additional land.</p> <p>If KCC has a specific strategy/option in mind, we welcome a discussion on those details.</p>	<p>requirements that will be agreed as we work through the section 106 agreement.</p> <p>KCC appreciates that the LLP would like to see early opening of the first primary school, and acknowledge its commitment to providing deficit funding. This must provide the Academy with the revenue funding required to offset the disproportionate costs of opening a new school with limited numbers of pupils.</p> <p>KCC is happy to discuss this further, but under current legislation, it will be the Secretary of State who makes the final decision on the opening of a new school, not KCC.</p> <p>In light of the commitments for primary provision, and the intention to support early opening of the first primary school on the development, KCC consider that the proposal will be mitigating the needs of the development. Therefore, it is not anticipated that additional land or capital funding would be required for off-site provision.</p>
<p><u>Secondary Education</u></p>	
<p>Whilst the Community Development and Facilities Strategy has suggested that one 10</p>	<p>As the County Council has agreed both the site size for campus where a secondary school will</p>

FE secondary school could be delivered, it is acknowledged that this is not the preferred option for secondary school delivery. Although the LLP would like it to remain “on the table” as an option to allow maximum flexibility at this stage. Proposed alternatives for secondary school delivery include 1x up to 8 FE school and 1 x 6 FE, or up to 2 x 6 FE schools. We do not think it is necessary to define this now and we suggest the S106 supports this flexibility while providing the assurances each party requires (back stops, step in rights etc).

We propose that a trigger is established in the S106 Agreement to decide which approach to take for the first secondary school, such as about 500-800 homes (prior to the construction of the commencement of construction of the first secondary school).

As a further assurance, the LLP commits to providing a second secondary school site of a minimum of 6.4 ha of usable land for an additional secondary school, subject to demand, in line with KCC’s requirements. We know that the current site set out in the illustrative masterplan does not meet these needs, because of its constraints, but at the Tier 2 stage for that phase, sufficient land will be allocated. 6

We do not think it is necessary, given the flexibility allowed for in the Parameter Plans, to define the red line for this site now, if appropriate assurances are included in the planning permission.

In all likelihood at least 2-3 FE of secondary provision will also be required off-site as either temporary or permanent expansion, as the minimum viability size for a secondary school is usually 4 FE. It is accepted that off-site contributions towards secondary provision off-site may be necessary – we would like clarification as to the likely scale of the contribution for off-site secondary provision. The LLP acknowledges the legal challenges that the academisation of schools create with respect to securing school expansion.

The LLP will proactively and positively engage with KCC and school operators as appropriate within its remit to help bring forward a workable

be located and the number of places to be funded at new build rate, and the LLP has committed to the provision of a second secondary school site of at least 6.4ha, KCC is content that the school size is not defined at this point. However, there is nothing in this decision which should be taken as the County Council ceding decision making on this now or at any point in the future. KCC is clear that it would not want to go above 8FE for the first secondary school. The County Council, as Education Planning Authority, also need to ensure that by deferring the decision on size, this does not frustrate the bringing forward of the necessary school places because the second secondary school site is not agreed or serviced in time.

The County Council expects the section 106 agreement to provide for an education monitoring and review group, the role of which will be to consider the size and phasing of the schools. This will include when the second secondary school site will need to be triggered.

KCC appreciates the commitment to the second secondary school site at a minimum of 6.4ha. KCC is content not to define the red line now if appropriate assurances are included in the planning permission and the section 106 agreement.

It is expected that off-site provision will be within the existing selective school sector with contributions used to expand the school on their current sites. Given the LLP’s request to not tie down the size of the first secondary school at this point, KCC would suggest that it does not seek to tie down the extent of off-site provision either. KCC would suggest that the agreed number of secondary school places are funded at the agreed rate, and that these contributions can be applied to the solution agreed at the time.

<p>solution. However, the statutory duty to find a suitable option for this growth off-site remains with KCC and the extent of the LLP's role and responsibility will be to ensure adequate capital funding is in place to mitigate the effects of development and will not include, for example, engaging in land deals with off-site school operators.</p>	
<p><u>Sixth Form</u></p>	
<p>In relation to queries raised as to the amount of sixth form places, provision is expected to be made in line with a retention rate of 75-80%, meaning up to 360 places in an 8 FE school, up to 270 places in a 6 FE school and up to 450 places in a 10 FE school. Proposed provision will meet the sixth form needs identified by KCC for 8,500 homes.</p>	<p>The County Council agrees that proposed secondary school provision will meet the 6th form needs.</p>
<p><u>Special Educational Needs Provision (SEND)</u></p>	
<p>The Development is expected to generate demand for 75 additional special school places. The SEND provision proposed on site is for up to 80 places to meet the full demand arising from the Development. It is accepted that suitable and proportionate land and capital funding to deliver the SEND school will be secured within the S106 Agreement.</p>	<p>This is noted and appreciated by the County Council.</p>
<p><u>Further Education</u></p>	
<p>We agree with KCC's comment that "further education needs arising from Otterpool Park will be met by the private sector and East Kent College". No capital mitigation is required.</p>	<p>It is not the case that 'no capital mitigation is required'. KCC is not the commissioner of further education places and as such, KCC would expect the LLP will discuss possible further education need with East Kent College.</p> <p>This is something the KCC is able to broker if required.</p>
<p><u>Further clarifications sought</u></p>	
<p>The potential scale of developer contributions proposed to fund the monitoring of school places. Given monitoring school demand is the statutory duty of the County Council, the LLP will only consider additional funds that are extraordinary.</p>	<p>This is noted and understood by the County Council</p>

We are keen to discuss the options for the freehold of the education being retained by the LPP (or otherwise held in trust) for the benefit of the development as a whole.	KCC is willing to discuss the freehold of education sites to further understand the LLP's views. However, KCC's belief is that the section 106 should make provision for the freehold transfer of sites, as this would not prevent, by agreement, an alternative arrangement at the time of transfer.
Clarification is sought as to what is meant by "repurpose" the education use of the sites.	Repurpose in this context simply means that should the education landscape change, the agreed education sites can flex to support this. KCC cannot predict how things may change, but the County Council requires the surety that the agreed education sites can be used for statutory provision whatever that may look like in the future.
It is accepted that off-site contributions towards either temporary or permanent off-site secondary school provision may be necessary – clarification is sought as to the likely scale of such sought contribution.	As previously noted, it is expected that permanent off-site provision will be required for secondary places in the selective (grammar) sector. It is expected that off-site provision will be within the existing selective school sector with contributions use to expand the school on their current sites. As such the normal expansion rates would be applied, currently this would be £22,700.00 per secondary place. With 3FE of provision totalling 450 places c.£10,215,000.00 would be requested.
<u>The Campus site</u>	
	Reference to the 'campus' site has been made in the above responses. This with could encompass up to an 8FE secondary school, a 2FE primary school and an 80-special school. When at capacity this could be over 2,000 pupils. It is therefore incumbent on the LLP to ensure that the critical infrastructure to that site including but not limited to highways, access to off-site parking, active travel routes and services are taken into account at the outset so that retrospective works are not required in order to open the schools.

5. Digital Infrastructure

The County Council welcomes the approach being taken regarding digital infrastructure. However, KCC notes the proposal to seek a financial contribution to connect existing properties and would ask that the applicant gives further consideration as to how they believe this could be legally implemented and the sought connections delivered. This is in light of the stringent UK subsidy control (state aid) measures that exist regarding the public funding of broadband infrastructure upgrades.

6. Minerals and Waste

From a minerals and waste planning perspective, the proposed Otterpool Park development gives rise to three key considerations - landwon mineral safeguarding; waste management capacity requirements associated with the development; and the safeguarding of existing waste capacity.

Landwon Minerals Safeguarding

The County Council notes that the revisions and amends made to the Mineral Assessment (MA) seek to use the argument that the exemption criteria of Policy DM 7 of the [Kent Minerals and Waste Local Plan \(2013-2030\) \(KMWLP\)](#) can be invoked – this is namely criterion 2 and 5, though the policy only requires one exemption criterion to be successfully invoked, as set out below:

*Policy DM 7
Safeguarding Mineral Resources*

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding,(106) 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, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or*
- 4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that 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 such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or*
- 6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or*
- 7. it constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised.*

Further guidance on the application of this policy is included in a Supplementary Planning Document.

The MA discussion on the extent of the permitted landbank for both the Folkestone Formation and the Hythe Formation is not considered by the County Council as Minerals and Waste Planning Authority to be of relevance. The County Council considers that if this approach were taken, the whole purpose of safeguarding mineral resources would be

undermined. The issue is, can the material be used, and what is the viability and practicability of its extraction? The existing landbank situation of any threatened mineral is irrelevant.

The Folkestone Formation (soft sand) in the locality is stated as being coincident with historical features, thus rendering any prior extraction likely to be unacceptable. It states:

regarding the historic environment and archaeology for example, a barrow group to the west of Barrow Hill has recently been scheduled and this is in the location of where Folkestone Formation is likely to be found. Extracting the mineral in this location is therefore unlikely to be acceptable to Historic England and the LPA.

If so, criterion 2 may be relevant, on the grounds of impracticability with preservation of the historic environment. This is not however elaborated upon with any detail on location for example. The location of the affected mineral is known, thus the understanding of the historic environment and any prior extraction should be better explained if this exemption criterion is to be satisfactorily demonstrated.

In relation to the arguments concerning the 'overriding' need for the non-mineral development (criterion 5), essentially these have been expressed before. It may be the case that substantial extraction of hard rock (Hythe Formation) would result in a significant impact on the deliverability of the new garden settlement. If the material were suitable, given the nature of a hard rock quarry, any meaningful prior extraction would involve substantial investment in a hard rock quarrying operation that would then have to be part of the design of the new development, integral to its layout, landscaping, design and phasing. Even with substantial and successful re-design of the scheme, the mineral extraction could result in serious delays to the housing and employment aspects of the scheme. Therefore, an exemption based on criterion 5 for the Hythe Formation would appear to be justifiable, although not conclusively made in the submission.

However, prior extraction of the Folkestone Formation is unlikely to be as impactful and in the absence of evidence to the contrary may be able to be integrated into the scheme. Integration of prior extraction could be carried out in a phased manner, particularly given the build out rate of the development over many years. Lower operational costs of soft sand extraction (that may or may not include on site processing) would potentially enable prior extraction of some of this strategic mineral to be conserved. This has not been explored to any depth in the MA. The soft sands of the Folkestone Formation are a particularly important building resource in the South East, with a number of counties relying upon resources located within Kent. Prior extraction could also provide a sustainable resource of building material for the future development.

Issues regarding Policy DM 9, prior extraction are considered in the application and the applicant concludes that their impacts would be too adverse on the locality and the environment. The list of impacts are given as follows:

Policy DM9 of the KMWLP advises LPAs should not grant planning permission for mineral extraction in advance of development where the proposal "will... cause

unacceptable adverse impacts to the environment or communities". The nature of extractive operations at the Site are such that impacts to be considered include:

- adverse effects on the local amenity of existing nearby residents as a result of, amongst other matters, blasting activity, noise, air quality, visual and traffic impacts and are likely to result in adverse effects and opposition from local residents in the area.*
- negative impacts on the environment which would require assessment and mitigation. regarding the historic environment and archaeology for example, a barrow group to the west of Barrow Hill has recently been scheduled and this is in the location of where Folkestone Formation is likely to be found. Extracting the mineral in this location is therefore unlikely to be acceptable to Historic England and the LPA.*
- the location of Folkestone Formation Soft Sand mineral is in the eastern extent of the site, which is within a locally designated Special Landscape Area and in proximity to the North Downs Area of Outstanding Natural Beauty (AONB). A quarry in this location, even on a temporary basis, would not be fitting with this designation.*
- the Hythe Formation is located near to a local wildlife site and Ancient Woodland (located at Harringe Brooks Wood, to the west of the site) and therefore extraction of it in this location would be unlikely be acceptable to the LPA or Natural England.*
- the Hythe Formation is located adjacent to the River Stour. Extraction of it would therefore likely raise biodiversity and water quality issues and/or reduce the quantity of minerals which could be extracted.*
- the Hythe Formation is also located in the Otterpool Quarry SSSI. Natural England's comments on the application in May 2017 state that "The SSSI should be protected in its entirety and integrated into the development of the garden town in a way which realises the best of these benefits." It is therefore not considered that prior extraction would be supported by Natural England.*
- prior extraction at the site would result in the restored landform being at a lower level than the surrounding topography and the creation of a void would result in long term negative visual impacts on the landscape.*
- retention of a quarry void could, depending on the depth of the excavation and the elevation of the water table, result in the creation of an open water body and the potential loss of developable land.*

It is accepted that the impacts in terms of policy DM9 in relation to the prior extraction of hard rock may be overriding, in terms of viability, the extensive nature and duration over a large area of the proposed new garden settlement. However, this argument is less convincing for a soft sand prior extraction operation. The County Council, as Minerals and

Waste Planning Authority, considers that the potential impact argument relied upon for not pursuing prior extraction of the Folkestone Formation, including the impact upon historic assets and landscape disruption would need to be more explicitly detailed and justified in order to successfully invoke an exemption under Policy DM 9 for this mineral.

Waste Facility Safeguarding

The County Council previously raised concern that the loss of the safeguarded waste facility at the Otterpool Quarry site has not been fully considered against waste safeguarding policies as set out in the KMWLP. Otterpool Quarry benefits from an implemented planning permission for a waste management use, although the permission has not been fully implemented. Policy DM 8 sets out the exemption criteria that should be satisfied if this facility were to be developed for a non-waste use. The applicant's response is set out within the Otterpool Park – Response to Kent County Council (August 2022). The County Council notes the applicant's response but considers that the landowner's intention to develop the facility does not have a bearing on the safeguarded status of the facility.

The County Council recognises that two masterplans are presented:

- alternative parameter plans (ref 5001-5003) - showing retention of the facility and a 250m buffer non developed area around the facility
- preferred parameter plans submitted (ref 4001-4003)- showing loss of the facility

Given that the implemented waste facility is not fully built out, the Otterpool Park scheme appears to have been prepared on the basis that the waste facility was unlikely to become operational. On that basis, the preferred parameter plan ((ref 4001-4003) is assumed to be the preferred scheme. The County Council also notes the following statement:

'It is expected that the LPA will impose a condition on the outline planning consent, should the application be granted, which confirms the trigger for when it must be decided which set of parameter plans come into force.'

The Mineral and Waste Planning Authority considers that the applicant has not at this time evidenced an exemption to the presumption to safeguard the facility by application of Policy DM 8 of the Kent Minerals and Waste Local Plan. A Grampian condition is being proposed to address the Council's concerns which would defer resolution of the safeguarding considerations as a potential way forward. This approach would determine if an exemption was justified at the detailed reserved matters stage, with a Grampian condition imposed on the outline planning permission to reflect:

Draft condition

Prior to the occupation of homes equating to the forecast maximum operational waste capacity of 15% of that calculated per year during full occupation (2044) as defined by the approved Waste Chapter (ES, Chapter 17) or the submission of any Phase Framework Submissions relating to Parcels CP.3, RS.1 or HT.2 as shown on approved Parameter Plan (OPM(P)4001_revYY), whichever is sooner, an updated

Infrastructure Assessment shall be submitted to and approved in writing by the local planning authority. The Assessment shall include:

- A) An update on the progress and implementation of alternative Waste Facilities within the wider Strategic Site Allocation (SS6);*
- B) An updated assessment against Policy DM8 of the Kent Minerals and Waste Local Plan to include any other material factors at the time of assessment;*
- C) A statement setting out the preferred approach to the approved parameters plans in the light of the above assessment and an outline of any consequential spatial changes required across the masterplan area within the approved parameters.*

The outputs should be reflected within future updates to the Waste Strategy and consequential spatial changes reflected within subsequent Key Phase Submissions and Reserved Matters Applications, as appropriate.

This approach would appear to enable other elements of the overall development (outside Parcels CP.3, RS.1 or HT.2 as shown on approved Parameter Plan (OPM(P)4001_revYY) to come forward having gained detailed planning consent, and if prior to the 15% waste facility capacity requirements level at the 2044 of full occupation (housing) being attained. The developable area of the waste facility permission at Otterpool Quarry would then be subject to a detailed consideration for waste facility safeguarding issues to include in a revised Infrastructure Assessment (IA) that would, it is understood, address the following

- A) An update on the progress and implementation of alternative Waste Facilities within the wider Strategic Site Allocation (SS6);*
- B) An updated assessment against Policy DM8 of the Kent Minerals and Waste Local Plan to include any other material factors at the time of assessment;*
- C) A statement setting out the preferred approach to the approved parameters plans in the light of the above assessment and an outline of any consequential spatial changes required across the masterplan area within the approved parameters*

Clause A) is understood as being related to the possible re-location (as per Policy DM 8 exemption criterion 3) approach to satisfy Policy DM 8. Clause B) is understood to be a fresh appraisal of the potential for an exemption against all the Policy DM 8 exemption criteria. Clause C) being the outcome that A) and B) would result in and the decision to be reached to advance either the retention of the Otterpool Quarry waste facility and the alternative parameter plan being approved; or, a re-location of the facility in the wider Strategic Site Allocation (SS6); or the preferred parameter plan being approved with the loss of the safeguarded facility being argued as justified against Policy DM 8 exemption criteria requirements.

Presuming the above is correct, and the matter is to be deferred to the detailed planning application stage, there is a risk that should the outcome of the revised Infrastructure Assessment conclude the loss of the facility and the presumption to safeguard (Policy CSM 16) is overridden, then this may attract an objection from the County Council on safeguarding grounds at this stage. Whilst we cannot prejudge the outcome of any future application and the information that will exist at that time, this is a possible outcome of such an approach. Whilst the use of a Grampian condition at the outline stage therefore may be

an effective vehicle to address matters at this time, it still leaves the fundamental policy requirement of the waste management capacity safeguarding of the consented Otterpool Quarry site uncertain and at some risk of attracting an objection from the County Council in addressing this at the detailed planning stage.

The County Council also notes the wider waste needs of the proposed development raised in the Council's earlier correspondence, particularly the need to provide additional waste capacity for arisings from the proposed new development. In waste policy terms, the consented Otterpool Quarry site would have planning merits for other waste uses and in the absence of conclusion of where new capacity is to be provided, the uncertainty of leaving matters to the detailed planning stage is greater.

Waste Management Capacity Requirements

The third area of concern previously raised relates to the need to plan for waste arisings from the Otterpool Park development. This is a significant development anticipated to be built out over many years. It will give rise to both commercial and household waste that should be properly planned for as an integral part of the development. Waste planning policy requires consideration to be given to the 'proximity principle' and support for the establishment of the 'Circular Economy' in managing waste streams. It is noted that the applicant contends that these matters have been addressed in the in OP5 Chapter 17: Waste and Resource Management and Appendix 17.1: Waste Strategy document. The application states that "*The first consideration of circular economy and resource efficiency is – does it need to be built? In the case of the Material Recycling Facility (MRF) and Anaerobic Digestion (AD) plants D parts of the PWF – it is not. The carbon and resource savings from not building would likely outweigh the emissions from transport. The Development's waste will merely be added to the existing collection routes.*" This a considerable assumption and one that ignores that significant transportation to non-proximate of waste materials will not have considered the established proximity principle, In this case, there is permitted capacity that is proximate which should be afforded considerable weight in the decision making. The contention that the applicant has little if any interest in developing the facility, is not relevant to the understanding of the proximate waste management needs of a significant new settlement.

In summary, Policy DM 8 has not been appropriately applied when considering the safeguarded capacity that falls within the proposed application area.. The County Council remains of the view that a relocation of the consented waste capacity or its retention within the proposed area would represent the most appropriate way to address this matter and be in accordance with local and national planning policy and guidance.

The County Council as Waste Planning Authority would welcome continued working with the District Council to address matters raised within this response.

7. Waste Management

The County Council, as Waste Disposal Authority has provided comments directly relating to the Environmental Statement OP5 Chapter 17 – Waste and Resource Management and the Environmental Statement Appendix 17.1 Waste Strategy. For ease of review, the extract of the text has been provided alongside County Council commentary.

The County Council, as Waste Disposal Authority would welcome further discussions with the applicant and District Council in respect of the matters raised.

Otterpool Park Response to Kent County Council August 2022		
Reference	Original KCC Comment and Project Response	KCC Comment – September 2022
17.2 Assessment Methodology: Consultation and Scoping	<p><i>KCC Response – 4 August 2022</i></p> <p>Whilst this option was raised by Arcadis, the County Council has confirmed that there is no capacity at Ashford; and logistics around hauling to Thanet would need further consideration, as the facility within Thanet is a mercantile facility that may not be contractually or practically available in the future. Hauling waste outside the district will be more costly and contrary to a decarbonisation targets.</p> <p><i>Applicant Response – August 2022</i></p> <p>Currently, this is deemed a viable short-term option given the constraints and lack of district alternatives.</p> <p>Given the low occupancy rates in years 1-5 of the proposed Development the forecast volumes are deemed to have limited impact, given there is no suitable alternative solution within the F&HDC area.</p>	<p>The County Council, as Waste Disposal Authority does not believe this proposal is even viable in the short term.</p>
17.2 Assessment Methodology Table 17-3 Summary of Scoping Opinion	<p><i>KCC Response – 4 August 2022</i></p> <p>It should be noted that this site also includes/allows for WTS facilities to be developed, which are very much needed as waste arisings from Otterpool cannot be accommodated at the existing WTS in Ashford or Thanet.</p> <p><i>Applicant Response – August 2022</i></p> <p>The landowner of the Permitted Waste Facility site has no aspiration to construct the consented development and build out the facility. The consent was granted in 2011 and has still not yet come forward save for the minimum</p>	<p>The County Council strongly recommends the applicant liaises with the owner of the Otterpool Quarry site to obtain up to date information.</p>

	<p>requisite works to ensure the consent did not lapse. As such, we cannot expect that it will come forward. Given this is the case, the preferred parameter plans submitted (ref 4001-4003) propose a form of development which makes efficient use of this land, contribute to the creation of the new garden settlement as a place, and more generally meets the requirements of policies SS6-9 of the Core Strategy Review (2022).</p> <p>In the unlikely scenario that the permitted waste facility did come forward, it would be possible to deliver the waste management facility on site (as shown on the alternative parameter plans ref 5001-5003).</p>	
<p>17.4 Design and Mitigation: Additional Mitigation Operation</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>This position has not been formally discussed or agreed with KCC as Waste Disposal Authority. The Section 106 discussions to date only relate to contribution of new infrastructure within the district. Such funding cannot be used to support revenue operations out of District.</p> <p>There is no spare capacity at Ashford WTS to accommodate existing FHDC waste arisings, nor any future Otterpool waste. Neither is there a contract to use mercantile facility in Thanet for FHDC waste or guarantee of future capacity.</p> <p>Within the short term period stated, three to five years, this is sufficient time to build the new in WTS within the Folkestone and Hythe District to negate the need for this mitigation, should a facility be constructed at Otterpool Quarry or another site deemed suitable in the area.</p> <p><i>Applicant Response – August 2022</i></p> <p>With the owner of the permitted waste facility (PWF) not wishing to proceed, and finding/securing a suitable WTS site within the district being outside of the remit of Otterpool LLP it was necessary to find and support a feasible alternative option and waste solution.</p> <p>Further to meetings with KCC (see minutes) it is understood that the constraint to Ashford WTS is based upon logistics rather than capacity.</p> <p>It is acknowledged that KCC would need to discuss a suitable contract with Thanet.</p>	<p>The applicant's response does not address the initial comment regarding using Section 106 to fund a revenue project.</p>
<p>17.4 Design and Mitigation</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>The County Council agrees with this statement, but without a site to deliver new waste infrastructure, this will not</p>	<p>The County Council acknowledges that it is not within Otterpool remit to</p>

	<p>progress. KCC has secured circa £6M funding to date, however, the Section 106 contribution from this development will not fund the gap. Additional funds are still required.</p> <p><i>Applicant Response – August 2022</i></p> <p>KCC have responsibility to ensure disposal of waste collected in its area by the waste collection authority. The Applicant, Otterpool Park LLP is not required to deliver a waste facility on the application site or elsewhere. The Applicant has however submitted a Waste Strategy (OP5 Appendix 17.1) to explain how waste will be minimised from the proposed development and is willing to make a proportional financial contribution to a waste transfer station that KCC delivers.</p> <p>Securing total funds is outside of the remit of Otterpool LLP.</p>	<p>provide the WTS site or deliver it. However, the new WTS is required before Otterpool occupation.</p>
<p>17.5 Assessment of Residual and Cumulative Effects</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>The County Council as Waste Disposal Authority considers that this cannot be assumed nor achieved as there is no capacity or contract to accommodate this proposal. The County Council considers that it is not practical to identify either mitigations as reasonable alternatives. The County Council also considers that the timeframe of three to five years is enough time to build a sustainable new WTS within District.</p> <p><i>Applicant Response – August 2022</i></p> <p>As per the adopted local plan and national housing growth commitments and aspirations– and wider requirement on district and county councils to provide sufficient ‘services’ capacity to accommodate growth - this is deemed workable in the short term.</p>	<p>The County Council disagrees with the applicant’s response - the new WTS needs to come first. As previously advised, the County Council does not consider it to be viable to use Ashford or Thanet even in the short term.</p>
<p>17.5 Assessment of Residual and Cumulative Effects</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>It should be noted that financial payments will not secure/create capacity at Ashford WTS as Section 106 monies cannot be used for revenue purposes.</p> <p>Tipping away payment potentially payable by the WDA would be a budget pressure and further avoidable public expense. The County Council does not agree that an assumption can be made as no site is agreed upon, therefore there is a risk that this new facility will not be built in time when the greatest impact is felt. The County Council does not consider this to be a reasonable assumption to make/rely upon given that sustainable waste management</p>	<p>The County Council agrees with ensuring that an infrastructure first approach is followed at Otterpool Park, ensuring that necessary infrastructure is planned for, funded and delivered in a timely manner.</p>

	<p>is a matter of critical importance for the growth of the whole District. It should also be noted that no such agreement to make a proportional contribution has been discussed with KCC.</p> <p><i>Applicant Response – August 2022</i></p> <p>KCC have responsibility to ensure disposal of waste collected in its area by the waste collection authority. The Applicant, Otterpool Park LLP is not required to deliver a waste facility on the application site or elsewhere. The Applicant has however submitted a Waste Strategy (OP5 Appendix 17.1) to explain how waste will be minimised from the proposed development and is willing to make a proportional financial contribution to a waste transfer station that KCC delivers.</p>	
<p>17.5 Assessment of Residual and Cumulative Effects</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>As stated, capacity is not and cannot be secured at Ashford and logistics of sending only Otterpool waste / Refuse Collection Vehicles (RCVs) from Otterpool to Thanet is untested as no contract exists to facilitate this, this is a mercantile facility.</p> <p>The County Council considers that the result would be higher than a moderate adverse impact. Given the important of a sustainable waste strategy, the County Council would suggest a high magnitude of impact and therefore, a severe adverse effect as per the following text: 'Substantial increase in waste generation comparative to existing regional/local generation rates, resulting in the need for the expansion of regional collection or waste disposal sites and hindering the achievement of regional/local recycling/re-use targets.'</p> <p><i>Applicant Response – August 2022</i></p> <p>Given the rationale laid out within the ES, and the scope to set up contracts/secure capacity with Thanet/Ashford we believe the short-term impact is, as stated in 17.5.23, moderate adverse in effect. Regardless of whether the residual effect is moderate or major adverse, both are classified as Significant.</p> <p>When accounting for a combination of stewardship circular economy initiatives i.e. bring site/community composting, and robust internal household recycling facilities and adequate storage space, we do not believe reuse or recycling [KPIs/targets] will be compromised. Furthermore,</p>	<p>The County Council considers that there is potential for the reuse and recycling targets to be compromised if new WTS not built in time for Otterpool occupation. As recycling would potentially get mixed with others or even sent to Energy from Waste as last resort.</p>

	<p>it is considered that the proposed Development has the opportunity to improve upon regional/local recycling/re-use targets.</p>	
<p>17.5 Assessment of Residual and Cumulative Effects</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>The County Council notes that this statement contradicts previous paragraph 17.5.27 which says FHDC will collect as per existing arrangements. This is not a fully segregated service, only twin stream. This also contradicts waste minimisation as per; Policy/Reference: Chapter 4: Increasing resource efficiency and reducing pollution and waste.</p> <p>The Kent Waste Needs Assessment 2017 was undertaken prior to detail being available regarding the Otterpool Park proposal, therefore, this statement cannot be justified.</p> <p>It is understood that the Materials Recovery Facility (MRF) and Anaerobic Digestion elements are not required; however, the WTS element of the permitted waste facility is required. The County Council would draw reference to commentary regarding 17.3.21 which states permitted site is required if no other WTS in FHDC can be provided in a timely manner.</p> <p><i>Applicant Response – August 2022</i></p> <p>The contradiction is acknowledged. Existing service arrangements have the scope to increase segregation in the future. The development is looking to the future – in terms of design and innovation. Space has been designed-in for full segregation, storage of bins/receptacles to offer resilience and flexibility. Co-mingled waste can result in issues with quality and contamination which will have to be addressed in order to achieve higher reuse (and recycling) rates, which will be set. Pre-empting future legislative change and avoid the necessity to retrofit. Again, taking a circular economy approach. This will help with the policy requirement of resource efficiency/ reducing pollution and waste. EfW is becoming a less appealing option – with pressure to reduce carbon, energy and the drive to keep resources in circulation/ extend life.</p> <p>The Kent Waste Needs Assessment 2017 is currently the latest document published by KCC. There has been no update since its publication but acknowledge it is out of date and has therefore been referred to with caution.</p> <p>With regard to the PWF, as stated previously, the landowner of the PWF site has no aspiration to construct the consented development and build out the facility. The consent was granted in 2011 and has still not yet come forward save for the minimum requisite works to ensure the</p>	<p>The County Council would refer the applicant to the Kent Minerals and Waste Local Plan paper presented to the KCC Environment and Transport Cabinet Committee on 8 September 2022 – which includes views of local planning authorities.</p>

	<p>consent did not lapse. As such, we cannot expect that it will come forward. In the unlikely scenario that the permitted waste facility did come forward, it would be possible to deliver the waste management facility on site (as shown on the alternative parameter plans ref 5001-5003).</p>	
<p>17.5 Assessment of Residual and Cumulative Effects</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>There is complete reliance on new WTS in FHDC, which is not secured or a site identified, and there is a risk that this will not be realised so this conclusion may not be feasible.</p> <p><i>Applicant Response – August 2022</i></p> <p>This risk and urgency with which KCC is required to find a solution is acknowledged. The ES provides a feasible short-term solution, i.e. use of Thanet and Ashford WTS, in the interim period.</p>	<p>The County Council, as Waste Disposal Authority does not believe this proposal is even viable in the short term.</p>
	<p><i>KCC Response – 4 August 2022</i></p> <p>The County Council suggests this is severe adverse effect as capacity cannot be bought at Ashford and unknown at Thanet. Three to five years is enough time to develop an essential WTS in the District – so the mitigation is unnecessary and would not be environmentally beneficial i.e. high carbon footprint of hauling waste out of District when an in District solution could be found from the start.</p> <p>There is no capacity at Ashford Transfer Station and Thanet Transfer Station would rely upon capacity and externally commissioning of a new operational contracts.</p> <p><i>Applicant Response – August 2022</i></p> <p>Securing total funds/a suitable site is outside of the remit of Otterpool LLP.</p> <p>As noted, it is not considered sustainable to haul waste out of the district, however as a short term measure it is deemed acceptable, given the absence of alternatives. This section refers to design measures, to aid circularity and higher reuse and recycling rates.</p> <p>It is acknowledged that contracts would need to be negotiated with neighbouring districts. Sharing of facilities is common practice to a number of local authorities, and a workable (short term) solution.</p>	<p>The County Council strongly believes there is time to get the new WTS built first and therefore negate need for this proposed mitigation of hauling waste out of District.</p>
<p>Waste Strategy</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>The County Council would question why only residual</p>	<p>The County Council continues to consider that this is</p>

<p>2. The Strategy</p>	<p>waste has been considered. No figures for kerbside recycling, food, bulky waste and fly tipped collections, street sweepings and HWRC tonnages. The County Council recommends that the strategy should be broader to include these elements of all household waste.</p> <p><i>Applicant Response – August 2022</i></p> <p>The Waste Strategy (OP5 Appendix 17.1) focuses on addressing residual waste, aiming to increase the proportion that can be reused and recycled in order to help achieve/improve upon national targets.</p> <p>The Strategy uses the national KPIs (NI191, 192, 193) to set the baseline.</p> <p>Kerbside recycling, food, bulky waste and fly tipped collections, street sweepings and HWRC tonnages are already segregated so it is assumed the current practices will continue.</p> <p>The key focus is upon reuse/recycling performance of residual waste.</p>	<p>not showing the full picture and therefore gives a false baseline. Local WCA reports its baseline for all material types to Government. Overall waste tonnages are important.</p>
<p>Waste Strategy</p> <p>2. The Strategy</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>This is not correct as no reuse is measured, and this does not cover HWRC deposited waste. The County Council recommends that this section provides details of a strategy to increase levels of recycling in line with the circular economy targets rather than reflect on the past</p> <p><i>Applicant Response – August 2022</i></p> <p>These are baseline figures based upon data provided through the National Indicators database, setting out the starting point. It outlines the current local waste generation, upon which we have set targets for the proposed Development. They are national metrics.</p> <p>The amount of HWRC waste is not relevant. It is more important that there is sufficient capacity and local availability to receive the proposed Development's waste as an option for reducing fly tipping and residual waste. This is outlined with the Waste Strategy (OP5 Appendix 17.1). The key focus for the Waste Strategy is increasing the proportion of the Development's waste that is reused and recycled.</p>	<p>A good proportion of the development's waste is re-used and recycled at the HWRC as not all waste is collected kerbside by the WCA.</p>
<p>Waste Strategy</p> <p>3. Vision,</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>The County Council does not consider that this vision fully encompasses the principles of the Resources and Waste</p>	<p>Stewardship initiatives would be non statutory and so rely on residents</p>

<p>Objectives and Targets</p> <p>3.1 Vision</p>	<p>Strategy around waste minimisation and carbon reduction through reduced vehicle movements of collection and hauling waste outside of the district. The Masterplan does not include any waste facilities and this strategy/ES chapter argues that existing planning permission for a waste facility within the Otterpool is not required (ref table 17.9) – which is not agreed by the County Council.</p> <p><i>Applicant Response – August 2022</i></p> <p>The focus of the Stewardship initiative with regard to waste management is to minimise waste and reuse/recycle more. The aim of the bring site and community composting trials is to ‘close loop’ the waste, keeping materials in circulation longer and increase reuse, educate the new Otterpool Park population and keep management local, thereby reducing the associated haulage/carbon footprint.</p> <p>The Stewardship scheme will work with other councils and professional bodies to review a number of innovative opportunities to reduce waste/increase reuse.</p> <p>As discussed, the short-term solution is necessary in the interim period until an appropriately located WTS site determined and operational. The strategy is a 10 year vision and will enable the design and layout of the proposed Development to fully address its sustainability ambitions at later tier stages.</p> <p>As stated previously the landowner of the Permitted Waste Facility site has no aspiration to construct the consented development and build out the facility. The consent was granted in 2011 and has still not yet come forward save for the minimum requisite works to ensure the consent did not lapse. As such, we cannot expect that it will come forward.</p>	<p>participation. The County Council considers that this initiative cannot be relied upon to deliver against recycling targets that will be defined by the Environment Act.</p>
<p>Waste Strategy</p> <p>4. Raising awareness and promoting sustainability</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>The County Council considers that there is no detail or provision within this Waste Strategy (so far as is foreseeably able to) to provide any benefits of improving waste management performance let alone provide a sustainable waste management service to residents.</p> <p>The County Council considers that the Strategy does not accord with impending legislation or requirements of the Environment Act.</p> <p><i>Applicant Response – August 2022</i></p> <p>Long term this strategy accords with both emerging legislation and the Environment Act. In particular, the</p>	<p>Further details of the stewardship scheme are required and KCC will defer judgment until these are provided.</p>

	<p>relevant priority areas of resource efficiency and waste reduction through better segregation (higher recycling), onsite management (bring site, community composting, education, stewardship).</p> <p>Reducing waste, keeping products in circulation, and managing resources onsite will reduce the number of vehicles movements, which in term will improve the air quality and footprint of the waste generated.</p> <p>As set out in the 25 Year Environment Plan, the Government policy focuses on 'minimising waste'. The objectives of this strategy address this.</p> <p>Furthermore, as per Environment Act 2021, it will aid the quest of Government to achieve greater consistency in recycling collections in England.</p>	
<p>5. Delivering the Strategy: Table 2 Action Table Otterpool LLP & KCC</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>The proposal does not feature within KCC's Waste Strategy and at the time of writing has not been discussed with KCC. The proposal would need to be a privately run and funded site, yet does not feature in the Masterplan illustrations. This pays no regard to the existing Inter Authority Agreement held between both Authorities.</p> <p>Otterpool do not have title for recyclable waste, this lies with KCC as the statutory WDA. KCC is not looking to let a separate MRF contract for only Otterpool kerbside recycling. KCC has existing contracts for MRF for the whole of Kent.</p> <p>The existing contract for bulking FHDC dry recycle within District at Ross Way WTS is unsustainable.</p> <p>The ES Chapter 17 argues against the provision of a MRF within Otterpool, stating it is not required. If it is an action to secure a MRF contract by 2025 then achieving the same for a WTS should be readily achievable</p> <p><i>Applicant Response – August 2022</i></p> <p>This is addressed in previous comments – regarding the stewardship scheme and the Development being 'future ready'.</p> <p>This is a long term aim, for consideration when contract renewal approaches/ legislation changes/ technology develops etc.</p>	<p>If this is a long term aim, then it needs to be detailed in the Masterplan as would be the case for other essential infrastructure. This is especially important as waste infrastructure does not easily sit alongside residential uses.</p> <p>The County Council considers that this seems at odds that Otterpool are championing a MRF long term but state that WTS is outside of their remit. KCC already has MRF contracts with capacity to deal with the waste.</p>
<p>5. Delivering the Strategy: Table 2</p>	<p><i>KCC Response – 4 August 2022</i></p> <p>Waste to landfill at the time of writing is at its lowest</p>	<p>The County Council supports the aspiration but would</p>

<p>Action Table KCC</p>	<p>possible levels therefore it is not possible to commit further reductions of waste landfilled.</p> <p><i>Applicant Response – August 2022</i></p> <p>The aspiration should be zero waste to landfill and Otterpool Park LLP is committed to assisting KCC in achieving this.</p>	<p>observe that it is not possible for the site to be zero waste as certain materials can only be disposed to landfill ie asbestos.</p>
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8. Sustainable Urban Drainage Systems

The County Council, as Lead Local Flood Authority notes that there has been no changes made to OP5 App 15.1 - Flood Risk Assessment and Surface Water Drainage Strategy.

KCC requests confirmation from the applicant that the additional material application material as of 31 August 2020 has no implications on the Flood Risk Assessment and Surface Water Drainage Strategy (FRA&SWDS) and that it therefore remains valid.

With regards to the proposed alteration to the County Council's conditions and with the inclusion of the word "detrimental" - whilst KCC does not object to this amend, before accepting the change, KCC requests that applicant clarifies how they would propose to demonstrate that outfalls from their site which may change the base flow conditions do so such that they are not deemed to be detrimental (particularly when considering down stream features such as the Addington Reservoir).

Further to this the County Council as Lead Local Flood Authority requests that the Local Planning Authority considers if there may be a conflict with any conditions which are recommended by the Environment Agency regarding the East Stour River being that it is a main river under their remit.

9. Heritage Conservation

The County Council previously raised significant concerns about the impact of the proposed development on several scheduled Prehistoric Barrows that are located within the development site. Whilst the applicant has made some amendments to the application, these significant concerns remain. The County Council remains of the view that the applicant's assessment of harm to these assets is incorrect. The County Council notes the applicant's response within the Otterpool Park Response to Kent County Council (August 2022) refers to embedded mitigation measures, but these had been taken into account in KCC's assessment of harm.

The County Council had previously recommended that, because of the harm that will be caused to the barrows, changes to the development proposals were necessary. The applicant has not made any changes to the Parameter Plans to address these concerns. Changes have however been made to the Strategic Design Principles document (OPA5 Appendix 4.3) which the applicant explains are "*to add security that the detailed design of development will be appropriate*".

The County Council recognises it is necessary to view the existing parameter plans in conjunction with the other revised documents submitted for approval (namely the revised Strategic Design Principles and amended Development Specification), but nevertheless is concerned that no changes have been made to the Parameter Plans themselves.

Taking the documents for approval in combination (and taking account of the additions made to the Strategic Design Principle) KCC remain of the view that the proposed development could result in significant adverse effects, which are likely to fall at the very upper-end of less than substantial harm, or potentially in a worse-case scenario result in substantial harm, to these nationally important heritage assets. The County Council does not think this harm is justified and KCC consider that additional changes are needed to minimise harm.

Whilst KCC recognises that some of the principles set out in Appendix 2 of the Strategic Design Principles are to be welcomed, the County Council does not think on the whole (taken alongside the other documents for approval) these measures are sufficient to avoid or minimise harm to an acceptable level. For example, in the case of Barrow 44, the principle of allowing for "*the spatial patterning*" of the barrows and "*their relationship with the river valley and each other to be appreciated*" is included. However, the other principles and parameters also describe a space that "*must be enclosed by development*" with a "*9m minimum buffer of open space*". It is noted that the enclosing development should be "*at the lowest level of what is shown on the building heights parameter plan*", but this commitment is unclear as the building heights parameter plan (OPM(P)4003_revYY) does not include minimum (lowest) levels, only maximum heights which for this parcel is for "*development up to 18m above existing ground levels*" (the highest there is). Also, it is unclear whether this commitment relates only to the immediate enclosing development.

The County Council recommends that for the applicant to provide certainty, amendments should be made to the Parameter Plans so that a clear and robust set of parameters within

which acceptable development can be brought forward through detailed design work in Tiers 2 and 3 is established at the outline consent stage.

For the barrow cemetery at Barrow Hill, the County Council has previously indicated to the applicant (and this remains the case) that KCC does not agree with the division they have made in the application documentation between barrows 58, 113, 114 & 135 and barrows 115, 130 & 131. The barrows are all component parts of the same cemetery (they are one Scheduled Monument). There is no evidence that the more distant barrows have any less of a connection to the cemetery group. The County Council considers that on the basis of current information, the correct approach is to treat each barrow as contributing equally to the cemetery's group value.

The previous, disjointed approach is continued in the amendments to the updated Strategic Design Principles document (Appendix 2), where different key design principles are set out for the barrows at Barrow Hill Green¹ to those for Barrow 130 (described as south-west of Barrow Hill) and 131 (north-west of Barrow Hill). In particular, the severance of Barrow 131 from the other barrows in this cemetery group is harmful as it will prevent appreciation of the cemetery as a whole; it will remove the ability to understand the dispersed linear layout of the cemetery and it will significantly impact the ability to appreciate the scale and landscape setting of this nationally important group of funerary monuments. Notably the newly added design principles state only that the design of development around barrow 131 should be "*defined by the barrow itself*" with "*appreciation*" given to the wider landscape. The Strategic Design Principles document does not give specific mention of the relationship with the other barrows of the cemetery and how this will be maintained.

The County Council must therefore conclude that the present documents submitted for approval have not addressed previous comments on this aspect. The County Council also does not consider that the applicant has appropriately responded to the group value of the cemetery, which is identified as a key element of the asset's significance. The County Council's assessment of the potential harm to the barrow cemetery therefore largely remains unchanged.

The County Council comments above have concentrated on the impacts on the barrows and how amendments proposed by the applicant have responded to these impacts. In terms of the other feedback from the applicant, KCC notes that the applicant has not committed to funding a project specific community archaeologist. This is disappointing as KCC's experience is that funding such a post would be the most meaningful (and long-lasting) way of delivering public engagement and participation in archaeological-led community activities. The applicant does commit to delivering public benefit through archaeological engagement, but the suggested ways of delivering such engagement appear to relate more to a "show and tell" approach, rather than the type of community-led participation that a project appointed community archaeologist would facilitate. KCC considers that archaeological engagement delivered through a community archaeologist post could more effectively help with developing a sense of place and assist in the integration of new communities with surrounding area

¹ Strategic Design Principles Appendix 2 lists the barrows at Barrow Hill Green as being 58, 113, 130 and 135 – KCC thinks the intended barrows are 58, 113, 114, 115, and 135.

The County Council considers that if archaeological participation is to be primarily delivered by the various archaeological contractors and consultants involved in the Otterpool Project (as the applicant proposes), then it is essential that this is structured to deliver set objectives that result in lifelong benefits that extend beyond the lifecycle of each contractor's involvement. However, KCC advises that a dedicated post would deliver better outcomes for heritage and local communities.

The County Council does welcome the commitment made to fund the *“long term storage of the archaeological archive generated by the project”*. The applicant proposes securing such funding by means of planning condition. The applicant notes that *“funding towards or provision of a storage facility has been agreed to in principle”* but the precise nature of such a facility has yet to be agreed. The applicant proposes a *“phased feasibility study which will be started prior to Tier 2 to inform options for this”*. It is essential that measures – either by means of condition or legal agreement – are put in place to ensure the outcomes identified by the proposed feasibility study are secured and delivered.

The County Council considers that any feasibility study for the storage and display of archaeological archives should explore a full range of options, including options to work collaboratively with others to contribute to providing a solution to wider archaeological archive provision in Kent. An objective of [Kent County Council's Kent Heritage Conservation Strategy](#) is to agree a Kent-wide plan for the display and long-term storage of archaeological archives. KCC would therefore welcome the opportunity to discuss and explore collaborative options for the storage and display of archaeological archives generated by the Otterpool Park project.

Finally, KCC notes that the applicant has made various changes to the Cultural Heritage Mitigation Strategy to address consultee comments and the County Council will review these change in full and provide commentary direct to the Local Planning Authority as their archaeological advisors.

10. Biodiversity

The County Council provided detailed comments direct to the Local Planning Authority through the Kent County Council's Ecological Advice Service (EAS) (Appendix A)

In summary, the County Council notes that the updated information has not significantly changed the County Council's view on the proposed development in respect of biodiversity.

A large range of ecological surveys have been carried out and KCC is satisfied that they will be sufficient to assess the ecological impact of the proposed development. The parameter plans demonstrate that large areas of open space are proposed and habitat connectivity is to be maintained through the site. KCC therefore advises that it's likely that the ecological interest of the site can be maintained and (as indicated by the Biodiversity Net Gain assessment) enhanced.

The ecological survey(s) will have to be updated at each phase (if granted) to inform detailed mitigation strategies and on going management plans. The proposal will take a number of years to build out (if granted) and therefore KCC would highlight that there is a need to continue to manage the site as it is currently to ensure that the ecological interest of the site does not improve in advance each phase commencing.

Where habitat creation is required for the species mitigation, KCC advises that those works are carried out as soon as possible to ensure that the habitat will be established in sufficient time to be utilised.

KCC recommends ecological enhancement features are incorporated in to all buildings and gardens and this will have to be demonstrated within the detailed applications. The enhancements must not be only located within the open space areas.

Appendix A – Ecological Advice Service Response (6 October 2022)



ECOLOGICAL ADVICE SERVICE

TO: James Farrar

FROM: Helen Forster

DATE: 06 October 2022

SUBJECT: Otterpool Park Y19/0257/FH

The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.

Ecological Surveys

We advise that we are satisfied that the submitted ecological surveys are sufficient to inform the determination of the planning application. We acknowledge that a number of surveys have not been updated as part of the current submission but as the habitats have not significantly changed we are satisfied they are sufficient. However we highlight that updated ecological surveys will have to be carried out throughout the development period across the whole site to inform further the reserved matter stages/tiers of the proposed development (if granted).

The following surveys have been carried out:

- Phase 1 habitat
- Reptile
- Badger
- Amphibian
- Water vole
- Otter
- Dormouse

- Hedgerow
- Wintering bird surveys
- Breeding Birds
- Assessment of farmland bird assemblage
- Targeted Invertebrate surveys
- Badger

The following was detailed within the submitted surveys:

- Range of habitats throughout the site – including S41 habitats.
- 3 species of reptiles
- GCN recorded within 9 ponds
- Smooth and Palmate Newt, common frog and toad recorded during GCN survey.
- 103 badger setts were recorded, in addition to multiple latrines, hairs, pathways and mammal runs.
- 9 species of foraging/commuting bats
- 13 bat roosts within and adjacent to the site (including a maternity roost of brown long eared bats).
- 90 species of breeding birds (including 31 notable species)
- 77 species of wintering birds (including 32 notable species)
- Water Vole within 24 water bodies
- Barn owl pellets recorded within 1 building
- Evidence of breeding kingfisher on the stour
- Evidence of Otter along the Stour River
- Dormouse within adjacent woodlands
- Suitable habitat for Hedgehogs and harvest mice within the site
- 12 important hedgerows within the site
- 5 bumblebee, 3 solitary bee species and glow worm
- Suitable habitat for aquatic invertebrates and fish
- Brown Hare
- 103 badger setts (including 18 main setts) were recorded within the site and wider area

Mitigation

As the site is currently largely arable fields and due to the proposed habitat creation throughout the site we are satisfied, with the exception of farmland birds/hare that the proposed species mitigation can be implemented within the proposed development. An overview of the ecological mitigation has been submitted and it has detailed the following will be implemented:

GCN

- Retention of all, bar one, ponds with GCN present
- Retention and enhancement habitat within the site to increase connectivity through the site (green corridors and use of underpasses for roads).
- Creation of additional ponds within the site
- Works carried out under an EPS/DLL licence.

Reptiles

- Retention and enhancement of habitats within the site.
- Works will require translocations /phased clearance to on site habitats.

Water Voles

- Enhancement of terrestrial habitat along the river Stour and creation and enhancements of ditches and terrestrial habitat within the NE and West of the site.
- Retain connectivity through the site through considerate design of bridges/underpasses etc.
- Works will require translocation/displacement and will need to be carried out under a NE Licence.

Bats

- Retention and enhancement of foraging /commuting areas
- Creation of habitats to benefit foraging/commuting bats
- Minimising light spill on to retain/created habitats and creation of dark corridors through the site. This is supported through the proposal to created habitat buffers which will be 5m from the edge of the hedgerow or 25m from the edge of the hedgerow if dark corridors
- Creation of at least 4 bat houses

Badgers

- Retention of setts within the site where possible – currently at least 2 main setts and 4 outlier setts will be lost and indirect impacts to main, outlier, annexe and subsidiary setts.
- Protecting retained setts during construction.
- Replacement setts to be created to mitigate for the loss of any main setts – details of location to be agreed at the specific phase/tier.
- Retention, creation and enhancement of habitats suitable for foraging/commuting
- Inclusion of tunnels under roads

Wintering /Breeding Birds (not farmland birds)

- Enhancement and creation of habitats within the site.
- Inclusion of breeding birds features within the site.
- Wetland/woodland areas will be protected from disturbance through the use of signs/fencing.

Farmland Birds/Brown Hare

- Impact can not be mitigated on site.
- Offsite habitat creation anticipated and be phased as development progresses
- Relies on agreements with farmers/landowners in the surrounding area.

Other Species not listed above

- No specific mitigation proposed the enhancements/habitat creation detailed for the above listed species will support those species.

Habitats

The master plan has been designed to retain or minimise impacts on existing habitats. For example:

- The areas of Ancient Woodland will have a minimum of 50m buffer
- Non AW woodland will have a minimum of 25m buffer.
- Hedgerows will be largely retained/buffered. Where hedgerows will be lost the hedgerows will be replaced.
- Buffer of at least 50m along the River Stour

Concerns

While we are satisfied that the mitigation can be implemented we highlight the following points with regard to the proposed mitigation.

1. There is a need to ensure that the proposed habitat buffers and dark corridors are achievable as they could be impacted by a number of factors such as:
 - Change in regulations in space required for roads/pathways
 - Lighting required for school pitches/Health and Safety
 - Changes to the layout over the lifetime of the development
 - Flood pitch lighting is not used within the sports pitches adjacent to the dark corridor areas.

2. Impacts from light spill.

There is a need for future tiers/reserve matter application clearly demonstrate that they are achieving the minimal/no light spill within the dark areas/habitats buffers.

The development should still be aiming to reduced/minimise light spill on all vegetated boundaries regardless of whether it is a dark corridor. We would still anticipate that bats and other nocturnal species use these features.

3. Increases to development footprint of housing.

If planning permission is granted we would expect those habitat buffer requirements detailed within the ES to be secured by condition and demonstrated within future Tiers/Reserved Matter applications. Therefore there is a need to ensure that the proposed habitat buffers are achievable and retainable.

It's our experience from reviewing other large developments that the area of green space / mitigation areas will often be reduced at the reserved matter stage. This is usually due to the applicant for the reserve matters not fully understanding what has been agreed at the outline stage and then mitigation areas being designed to be more formal amenity areas. There is a need to ensure that the mitigation/enhancements/habitat creation agreed at this stage of future tiers will be implemented and demonstrated within the reserve matters application.

There needs to be an undertaking to ensure that the mitigation areas/green spaces/wildlife corridors will not be lost or partially impacted by the future tier/reserved matters applications. Due to the size of the development small incremental habitat take from each detailed application could result in a large reduction of habitat within the site.

4. Implementation of the mitigation.

The submitted ES has outlined the principle of the proposed offsite mitigation but there is a need to ensure that it can be achieved and a strategic approach is implemented by OtterPool Park and, if granted, is something that developers for each phase pay in to/contribute to. It must not be something that each developer has to implement individually as it unlikely to be achievable if the mitigation is not within that phase/tier.

There is a need to ensure that the on site mitigation for the species recorded within the site is implemented in advance. This is something that we would expect Otterpool park to

implement rather than development for each phase. As the mitigation for the development has been designed to take in to account the whole site it is not appropriate or achievable for the developers for each phase to carry out the habitat creation.

Measures need to be in place prior to future residents moving in to ensure that areas where there is expected to be minimal or no recreations pressure can be implemented.

5. Detailed mitigation strategy

The proposal is to be implemented as a tiered application and if granted the proposal is to be implemented over a number of years. Due to the size of the development and the connectivity of the populations throughout the site there is a need for a site wide mitigation strategy to be produced for the whole site if planning permission is granted to ensure that appropriate mitigation will be implemented. The mitigation strategy can then be reviewed and updated for each Tier/Reserved Matters application.

Individual mitigation strategies cannot be for each Tier/Reserved Matters application as habitat creation associated with that Tier/Reserved Matters application may have to be carried out within another part of the site.

The habitats on site will have a number of uses (ecological mitigation/amenity/SuDS etc) therefore there is a need to ensure that the proposed mitigation must be designed to take in to account other uses/users of the site.

We are aware that the development (if granted) will take a number of years to implement and therefore there will be a need for the mitigation strategy to be regularly reviewed and updated to take in to account updated survey results.

There must be ecological site wide oversight of the implementation of the Tier/Ecological Mitigation to ensure that any habitat creation linked to the species mitigation can be implemented in advance to ensure the proposed habitat has been established to a good quality when the ecological mitigation for particular phases commences.

As detailed above there is a need to ensure that this is undertaken by Otterpool Park not the individual developments. We highlight that the habitat creation works must not be the responsibility of the developer for a particular phase - particularly when the mitigation habitat is located elsewhere within the wider site.

Management

We advise that there will be a need for a detailed management plan to be produced if planning permission is granted. The management plan must reflect the requirements of the Biodiversity Action Plan (BAP) however we highlight that the BAP only includes certain species but there is a need to ensure the management plan addresses the requirements of all species recorded within the site.

The management plan will have to be regularly updated as the development works progress and to take in to account the results of on going monitoring and habitat creation.

There is a need to ensure that ultimately there is only one management plan for the whole site and it incorporates all the management requirements within it (e.g. Recreation / SuDS / Ecology). As different tiers are submitted we advise that there is a need for the site wide management plan to be updated rather than the production of separate management plans for each phase. This will ensure that all the requirements are within the one document and there is no risk of the same area being managed twice for two separate functions.

Monitoring

We advise that there will be a need for on going site wide monitoring and updated surveys are not restricted to the area where a particular phase is being proposed. This is to ensure that an understanding of the ecological interest of the site is understood through the whole development process.

This will ensure that the mitigation proposed is appropriate and inform the on going management plan reviews.

Biodiversity Net Gain

The submitted report has detailed that there will be an anticipated positive BNG for hedgerows, river corridor and habitats of within the site. We do agree that it will be likely that a BNG can be achieved for all three aspects but we do query if the anticipated BNG for habitats will exceed 20%.

The report has assessed as grassland habitats Lowland meadow and Other Neutral Grassland achieving a condition of good and due to the fact the site is currently largely arable and the high recreational pressure anticipated within the site we query if that is achievable.

Our view is the habitat creation within the areas with high recreational pressure should be considered as moderate as best. The BNG assessments will have to be updated with every detailed application and in the event that the habitat creation has established better than anticipated then it can be assessed as good rather than moderate.

We recommend that the BNG assessments for the detailed application cover the whole of the Otterpool Park site as they can take in to account the advance habitat creation being carried out and it will identify where further management is required.

Habitat Regulations Assessment

The HRA has considered the impact the proposal will have due to Impacts from Water quality and Air Quality and recreational pressure.

We have reviewed the document and we are satisfied with the conclusion that recreational pressure is unlikely to have a likely significant impact on the designated sites due to the distance of the development from the designated sites and the provision of on site recreational habitat.

The HRA has assessed that the proposal is unlikely to have a likely significant effect due to air quality as *Only one site was within the threshold for air quality assessment, the Folkestone to*

Etchingill Escarpment SAC (Figure 3). In line with the IAQM's designated sites guidance (2020), this HRA defers to the Local Plan HRA. No significant effects are predicted for the proposed Development in terms of air quality impacts.

The HRA has assessed that the proposal is unlikely to have an adverse impact on the designated sites as: *Proposals are outlined as a component of the development that have been agreed in principle with NE and the EA, which would ensure that the site can achieve nutrient neutrality. Detailed designs and maintenance plans of the mitigation proposals will be produced during Tier 2 and Tier 3 Stages through the implementation of Tier 1 outline planning conditions. As it can be demonstrated at the Appropriate Assessment stage that the proposal will not adversely affect the integrity of the Stodmarsh SAC, SPA and Ramsar site, no further stages of HRA are required.*

However we advise that we are not experts on water quality or air quality and we recommend that FHDC must be satisfied with the conclusions of the HRA with regard to both matters.

We advise that there will be a need for the HRA to be reviewed with every application. Due to changes within the environment over time issues /considerations may develop that were not considered as part of the original HRA.

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

Helen Forster MCIEEM
Biodiversity Officer