

MINERALS AND WASTE DISPOSAL

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

Item C1

Details submitted pursuant to Condition (5) of Planning Permission SH/05/53 – New Romney & Greatstone on Sea Waste Water Treatment Scheme – SH/05/53/R2 & R5

A report by Head of Planning Applications Unit to Planning Applications Committee on 16 May 2006.

Application by Southern Water PLC for details submitted pursuant to Condition (5) of Planning Permission reference SH/05/53 – Code Of Construction Practice (CoCP) which refers to the matters that are required to be covered in the CoCP, details of the mitigation and management of construction activities, and compliance with the planning permission as approved.

Recommendation: Approval be given.

Local Member(s): Fred Wood-Brignall

Classification: Unrestricted

Background

1. Planning permission was issued to Southern Water Services for the construction and operation of a first time sewerage system for New Romney and Greatstone on sea in Kent in October 2005.
2. As part of the planning application, a Code of Construction Practice was submitted and compliance with it was required by condition. This sought to control in detail all elements of how the scheme was to be constructed and included: Waste Management, Contamination Management, Surface and groundwater drainage management, Archaeological management, Ecological management, Restoration of all construction, working and storage areas and hours of construction working with particular emphasis on traffic management.

Proposal

3. Southern Water have submitted an amended document intended to update the approved Code of Construction Practice (CoCP) that takes account of modifications to the construction methods and traffic management. It forms part of the CoCP and should be considered in conjunction with that document. All other requirements of the CoCP would continue to apply.

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Scheme – SH/05/53/R2 & R5**

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4. Matters of traffic management are normally dealt with by the Highway Authority. However, as the application was accompanied by an Environmental Statement and approval of the original traffic management scheme was a condition of the planning permission it is appropriate for its amendments to be formally considered.
5. The proposals are in accordance with Conditions 2 and 5 of the planning permission SH/05/53, which refer to the matters that are required to be covered in the CoCP, including details of the mitigation and management of construction activities, and compliance with the planning permission as approved. The proposed amendments affect the area from point A to point B, along the main road in Greatstone-on-sea. See attached set of plans, presented in construction phases.
6. The need for the proposed variation to the construction activities and traffic management arrangements in Greatstone is due to the construction methods having had to be changed in light of constraints imposed by the location of other utility services beneath The Parade and Coast Drive, the main road along the sea front at Greatstone. There has been no fundamental change to the overall scheme and, most importantly, the changes relate to the need to maintain access along these roads and through the residential areas.
7. The original construction method allowed for maintaining single lane access along The Parade and Coast Drive at all times as it was anticipated that it would be possible to carry out all works within the width of one lane. It has subsequently been found that this will not be possible for all aspects of the construction work and therefore it will be necessary to temporarily close off some sections of road completely on a rolling programme basis. This application is being reported to Members because of a number of objections to the proposals.

Amended Construction Methods:

8. The works comprise open cut excavation of trenches, installation of vacuum sewer pipelines and the open cut excavation of vacuum sewer chambers and installation. Reinstatement of the works will be carried out on a rolling basis, with each section completed prior to moving on to the next. Two types of construction are proposed to be used: the first involves full closure of the main carriageway, allowing full installation of the vacuum chambers and sewer pipes from within the confines of the closure area. This will be completed in 1 pass, allowing full reinstatement of the carriageway following completion of the works. The second involves full or single lane closure of the main carriageway allowing the installation of chambers and road reinstatement in the first pass, a second pass will be required to install the pipeline and complete the reinstatement.
9. Specified diversion routes have been identified to cope with traffic flow when road closures and temporary traffic lights are in place.

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10. An updated version of the current position in terms of construction and traffic management has been submitted (following concerns that the submitted plans were out of date). In general, the changes fall within Phase 1 of the amended scheme. Some of the dates listed for temporary road closures and traffic lights continue into Phase 2 due to delays in the scheme. However, the overall time table remains the same, and as from 20 April 2006, the majority of Phase 1 has been completed or is nearing completion.

Planning Policy

11. The Development Plan Policies summarised below are relevant to the consideration of the application:

(i) **The Adopted 1996 Kent County Structure Plan:**

Policy S1 – Seeks to promote sustainable forms of development.

Policy S2 – Seeks to conserve and enhance the quality of Kent's environment.

Policy S9 – Highlights the need for co-ordinated implementation, and the relationship between infrastructure provision and land availability.

Policy ENV1 – Protection of the countryside for its own sake.

Policy ENV2 - Conserve and enhance Kent's landscape and wildlife (flora and fauna) habitats.

Policy ENV4 – Seeks the long-term protection of Special Landscape Areas.

Policy ENV6 – Seeks the protection of scientific or wildlife interests in Local Nature Reserves, or Sites of Nature Conservation.

Policy ENV15 – Conserve and enhance the character, quality and functioning of Kent's built environment.

Policy ENV20 – Seeks to ensure that development is planned and designed so as to avoid or minimise any potential pollution impacts.

(ii) **The Kent & Medway Structure Plan: Deposit 2003:**

Policy SP1 - Conserving and enhancing Kent's environment and ensuring a sustainable pattern of development.

Policy E1 – Kent's countryside will be protected for its own sake. Development in the countryside should seek to maintain and enhance it.

Policy E3 – Landscape and wildlife habitats will be conserved and enhanced.

Policy E5 – Special Landscape Areas will be protected and enhanced.

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Policy E6 – Scientific or nature conservation interests will be protected.

Policy E8 – Important wildlife habitats and species will be protected, maintained and enhanced.

Policy NR4 – The quality of Kent's environment will be conserved and enhanced.

(iii) **Kent Waste Local Plan, 1998:**

Policy W22 – The planning Authority would normally refuse permission if it is considered that the proposed necessary highway improvements or the effects of vehicles travelling to and from the site, would adversely affect the safety of the highway network, the character of the area and the local environment.

(iv) **Shepway District Local Plan, 2001:**

Policy TR3 – Seeks the efficient and safe movement of traffic.

Policy CO3 – The long-term protection of Special Landscape Areas will be sought.

Policy CO4 – Seeks the protection of the special character of Local Landscape Areas.

Policy CO7 – Seeks protection of Sites of Special Scientific Interest and Special Areas of Conservation.

Policy CO8 – Seeks the protection of sites of Nature Conservation Interest.

(v) **Shepway District Local Plan, Deposit 2001:**

Policy TR1 – As Policy TR3.

Policy C01 – The District Planning Authority will protect the countryside for its own sake.

Policy CO4 – As Policy CO3 above

Policy CO5 – As Policy C04 above.

Policy CO8 – As Policy CO7 and C08 above.

Consultations

12. **Shepway District Council:** no comments received to date.

New Romney Town Council: no observations.

Lydd Town Council: no comments received to date.

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St Mary in the March Parish Council: no comments received to date.

Folkestone & Dover Water Company: confirm that they have no particular observations to make and state that they are in close contact with the main contractors for the project and are discussing various water supply related matters with them.

English Nature: state that the application site is directly adjacent to the Dungeness Site of Special Scientific Interests (SSSI) and Special Area of Conservation (SAC). However, providing that no vehicles would be stored or used on areas of shingle within the designated sites and all materials necessary for the development are not stored within the Dungeness SSSI and SAC, English Nature has no further comments to make.

English Nature also request that all staff working on site are made aware of the importance and fragility of the designated site to ensure that accidental damage does not occur to the site. An informative could be added to any planning permission to this effect

Kent Wildlife Trust: no comments received to date.

Environment Agency: has no objection to the proposal, but would like to offer the following advice:

“The only issue from the submitted report of concern to the Agency relates to de-watering activity. Although the applicant has stated that no de-watering is necessary, the Agency has received an application for de-watering adjacent to New Romney WWTW into the Littlestone Sewer. Clarification of this point would be appreciated.

“We would like to refer the applicant to the Environment Agency Pollution Prevention Guidelines for construction sites, oil storage and wheel washing”.

SEEDA: No comments received to date.

English Heritage: Do not wish to comment on the application.

Conservation Officer: Has no observations to make regarding the proposal.

Divisional Transportation Manager: states that the proposed diversion routes are purely residential in nature and as they are mainly concrete slabs, are likely to be damaged as a result of heavy use by larger vehicles. “As such we will require a condition survey to be carried out before the closure and diversion is carried out, and any damage caused as a result of the diversion to be repaired at the expense of the applicant.

The Divisional Transportation Manager further states: “To minimise the potential damage caused and disruption to residents we would like the full road closures only to be used as a last resort”.

Jacobs: comment as follows:

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Noise: It is anticipated that a significant adverse noise impact is predicted for the roads, along which the diverted traffic is to be re-routed. As this change is to be of relatively short duration Jacobs are of the opinion that further detriment in amenity should not arise.

Air Quality: Jacobs are satisfied that there should be no detriment to amenity from air quality due to traffic pollutants along the proposed diversion route.

Landscaping: Although adverse visual impacts for road users and from the front of some nearby properties would be caused when the works are progressing, all adverse visual impacts would be temporary, and therefore Jacobs have no objection to the proposal or any further comments to make.

Public Rights of Way Officer: has one observation regarding the proposal which relates to pedestrian access along Taylor Road, Williamson Road and Leonard Road during the temporary road closures via footways adjacent to them. There are two public rights of way that join the above roads, which need to be accessible at all times.

The main contractor for the scheme would need to confirm that the rights of way would be accessible at all times from these roads. The contractor should also confirm that pedestrian access, to all properties along roads where construction work is proceeding, would be maintained at all times. [A condition could be added to any planning permission to this effect].

Conservation Officer: No comments received to date.

County Archaeologist: is satisfied that the traffic arrangements should not have a detrimental effect on the Lade Fort a Scheduled Monument. The archaeological programme should be implemented as originally agreed.

Local Member

13. The local County Member, Fred Wood-Brignall was notified of the application on the 10 March 2006.

Publicity

14. The application was publicised by the posting of 15 Site Notices, advertisement in the local newspaper and individual notification of 1128 neighbouring properties.

Representations

15. 10 letters of representation have been received to date, including a petition of 297 signatures. The points raised in the letters can be summarised as follows:

- Health and safety concerns, including inadequate street lighting, narrow road width, no existing footpaths along verges, poor road maintenance.
- No account has been taken for access of service vehicles.
- Coast Drive is the main emergency escape route from Dungeness Nuclear Power Station; it is also the only connection to New Romney and Lydd.
- Unacceptable noise levels.

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- Potential impact on air quality.
- Dispute over the number of properties quoted by the applicant as directly affected by the works.
- Works have already started, and there appears to be more than the maximum stated 36m trench and 3 chambers broken into at any one time.
- Traffic Management Proposals are out of date.
- The scheme does not take into account the residents ability to leave and access their properties.
- Damage to roads and properties occurring due to construction works.
- No mention of risks imposed on the railway from additional road movements.
- Has an appropriate risk assessment been carried out?
- Request site visit for Members in order to witness level of traffic in area.

Discussion

16. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
17. Planning permission already exists for a first time sewer network to serve individual properties in existing settlements, associated upgrade of existing waste water treatment works and associated infrastructure to serve the settlements of New Romney, Greatstone-on-sea and Lydd-on-sea. Under consideration here are proposed variations to the Code of Construction Practice and Members are informed that there has been no fundamental change to the overall scheme and the changes relate to the need to maintain access along these roads and through the residential areas. A number of concerns have been raised by local residents, which I shall address under the following headings.

Damage to road surfaces:

18. The Divisional Transport Manager and a number of local residents have referred to the potential damage to the concrete slab road surfaces along some of the diversion route. The potential damage is anticipated as a result of additional use by larger and heavier vehicles. The contractor has agreed with the Divisional Transport Manager that it would be appropriate to carry out a highway condition survey to check the effects of the additional traffic.
19. I therefore suggest a condition be placed on any approval requiring a highway condition survey be carried out and submitted to the County Planning Authority for written approval prior to closures and diversions being carried out. A planning condition would ensure reinstatement of the highway network to the original condition should damage occur.
20. The Traffic Management Scheme has already commenced and I have advised the applicant of the request made by the Divisional Transport Manager for a Road Condition Survey and the need to make contact with the local area office to give a methodology on those sections of the route where work has commenced.

Representations and Objections from Local Residents:

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21. Residents have raised a number of issues regarding the revised traffic management proposals and planned temporary road closures, in particular about access to individual properties, the problems for disabled residents, the width and condition of roads and inadequate street lighting.
22. In summary, the residents affected strongly object to the diversion of traffic along the roads which are considered unsuitable for the purpose. The concerns are about disruption, problems for deliveries, increased noise levels, air pollution, and the closure of the emergency route to Dungeness Power Station. I recognise that the diversion route for traffic is not ideal, but I consider, given the necessity to close sections of Coast Drive for temporary periods, it seems to represent the only practical alternative.
23. The original construction method included for maintaining single lane access along The Parade and Coast Drive at all times as it was anticipated that it would be possible to carry out all work within the width of one lane. It has subsequently been found that this will not be possible for all aspects of the construction work and therefore it will be necessary to temporarily close off sections of road completely. Other arrangements for constructing the pipeline separate from the highway were examined at the time of the original Environmental Impact Assessment but were rejected since the development proposals (both during construction and subsequently in operational use) would be likely to have a significant affect on the Dungeness area of International Importance for nature conservation. The impacts on the integrity of these sensitive areas would have been strongly opposed by English Nature.
24. The area affected by the construction scheme and traffic management programme is directly adjacent to the Dungeness Site of Special Scientific Interest and Special Area of Conservation, which is subject to Structure plan Policies ENV4, and ENV6 and Local Plan Policies CO3 and CO4. English Nature raise no objections to the amended CoCP provided that no vehicles are stored or used on areas of shingle within the designated sites. I would also consider that no long-term damage to the character of these designated areas is expected due to the temporary nature of the works.
25. It is recognised that the revised arrangements, and changes to traffic management during the construction programme, would result in disruption to local residents and additional noise and other environmental issues. However it should be acknowledged that the construction work represents a major infrastructure project in the Greatstone area, which, I consider, will provide long term benefits in return for relatively short-term disruption and inconvenience. The agent has confirmed that the construction work has been programmed to try and avoid major disruption in the summer months, and following the applicants consultation with Lydd Town Council and others, to ensure that, for example, construction work on roads serving the Greatstone Primary School, will take place during the school holidays rather than term time.
26. In response to concerns regarding vehicular access to individual residential properties following the temporary closure of individual roads, the applicant has confirmed that it would not be possible to enable access by cars to properties. However, the length of time a particular property is affected will only be for part of the period the road is temporarily closed (i.e. it is a 'rolling' construction site of up to 60 metres at any one time). There will be an on the spot liaison with residents, particularly anyone who is disabled or infirm, to try to ensure they are inconvenienced as little as possible and to liaise with residents for daily access.

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27. The issue of emergency access to the Dungeness Power Station has been the subject of a separate consultation with emergency services by the applicant. They have been advised of the proposed dates for temporary closure of Coast Drive, and, as part of the working procedures, regular liaison with the police, fire and ambulance services will be maintained throughout the construction period. The emergency services have alternative routes to and from the power station and they are satisfied that the temporary closure of sections of Coast Drive will not prevent full emergency cover for the power station being maintained.
28. The disruption and inconvenience in the short term should also be seen in the context of trying to secure the speediest possible completion of the construction work. Along some sections of the road it is not possible to achieve single lane working, but even where this arrangement might work, the agent has confirmed that it would result in a significantly longer period of construction, and continuing disruption over an extended length of time. On balance, I would consider the shorter periods of inconvenience and disruption are recommended as the best and, for parts of the scheme the only feasible solution for local residents.
29. The applicant is committed to regular liaison with Lydd Town Council and representatives of residents of the specific roads within Greatstone to ensure that there is an ongoing channel of communication, that everyone is brought up to date with the construction programme and implementation of the work, and that there is a proper system of dealing with complaints that arise.

Implications of revised traffic management for Romney, Hythe & Dymchurch Light Railway Company (RHDR):

30. The issue of ensuring the safe operation of the railway has been examined previously in connection with the construction operations at Battery Road level crossing at the southern end of Coast Drive, as part of the original temporary road closure programme, and the applicant fully accepts that the overriding safety requirements of the RHDR need to be addressed.
31. The agent has stated that, following initial discussions with management at RHDR, a draft 'Safety Method Statement' has been prepared to cover matters including: the hazards associated with the construction work and operations; the subsequent work that will take place; the railway and public 'interface' arrangements; the arrangements and responsibilities between Four Delivery (main contractor), RHDR and other contractors; the identification of specialised plant to be used; risk assessment; working procedures and emergency procedures. The RHDR have been consulted and I have received no negative response to it.
32. I am satisfied that the concerns raised will be met with the above matters raised within the Safety Method Statement.

Conclusion

33. Although there are to be some expected impacts from the new proposals, and I accept a degree of disruption to local residential amenity, these would be temporary in nature and I would not wish to impede or delay the delivery of these vital improvements to the

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sewerage network. Although there are some concerns from Kent Highway Services, they do not object in principle to the traffic management scheme, which is to include temporary traffic lights and road closures, would be in place temporarily and as stated above any disruption to residential amenity would be on a temporary basis.

34. The proposals will provide for the long-term benefit and improvement of infrastructure and services within the area and consider the short-term disturbances to be a necessity if these works are to be carried out. I would consider that the proposal gives rise to no overriding material harm, is in general accordance with the development plan and that there are no material considerations that would indicate that the amendments are not supportable. I therefore recommend accordingly:

Recommendation

35. I RECOMMEND that APPROVAL BE GIVEN to the proposed amendments to the Construction and traffic management plan, SUBJECT TO conditions including the submission of a highway condition survey, the full reinstatement of the highway should damage occur during construction, maintaining accessibility to Public Rights of Way at all times, and that all other details within the CoCP remain the same.
36. I FURTHER RECOMMEND that the applicant BE ADVISED that all staff working on site are made aware of the importance and fragility of the adjoining designated site to ensure that accidental damage does not occur and that road closures should only be used as a last resort.

Case officer – Helena Woodcock	01622 221063
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Background documents - See section heading
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