

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Application for a new tunnel (the Bean Road Tunnel) and associated road works to include bus, cycling and pedestrian access to the east of Bluewater Shopping Centre to link to Eastern Quarry development, including tree planting at land adjacent to lake 5 and tunnel infilling at Bluewater Shopping Centre, Bluewater Parkway, Dartford, Greenhithe, Kent DA9 9ST - DA/19/1549 (KCC/DA/0232/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 27 May 2020.

Application by Kent County Council (Major Capital Programme) for a new tunnel (the Bean Road Tunnel) and associated road works to include bus, cycling and pedestrian access to the east of Bluewater Shopping Centre to link to Eastern Quarry development, including tree planting at land adjacent to lake 5 and tunnel infilling at Bluewater Shopping Centre, Bluewater Parkway, Dartford, Greenhithe, Kent DA9 9ST - DA/19/1549 (KCC/DA/0232/2019).

Recommendation: Planning permission be granted, subject to conditions.

Local Member: Mrs Penny Cole Dartford East
Mr Peter Harman: Swanscombe and Greenhithe

Classification: Unrestricted

Site

1. The proposed site is located between two former quarries - Western Quarry which is now Bluewater Shopping Centre and Eastern Quarry. The proposal lies within Dartford Borough to the west and within the Ebbsfleet Development Corporation area to the east.
2. Eastern Quarry is a former chalk quarry where residential led development has commenced to the east of the site within the Ebbsfleet Development Area. Eastern Quarry forms part of the Ebbsfleet Valley Strategic Site and is within the Ebbsfleet to Stone Priority Area Development. Eastern Quarry development is intended to be linked by Fastrack to provide a fast and frequent service to Ebbsfleet Central, Bluewater, Dartford and Gravesend.
3. The proposal is located under the existing B255 Bean Road. The existing land use in the application area includes the highway network between the eastern end of Lime Tree Avenue and Bluewater Parkway and includes an area of reed bed, water and existing vegetation including trees with an existing cliff face and the chalk spine under the under the B255 Bean Road. Within the application area, there are currently two existing tunnels within the chalk spine that provided a connection between Western and Eastern Quarry and which were used to transport material between the quarries.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

4. A proposed new tunnel would run through a chalk spine which separates Bluewater Shopping Centre from Eastern Quarry and the proposal includes amendments to the highway to connect to existing layouts within Bluewater and to existing and proposed layouts within Eastern Quarry. The application also includes an area of land for proposed replacement tree planting which is located to the west of Bluewater adjacent to lake 5, to the south west of the Police Station.
5. Please see Appendix 1 for site location plan, general arrangement plan, proposed landscaping and cliff stability plan.

Background / Recent Site History

6. Fastrack is the working name for a dedicated public transport network which was planned to connect most of the major existing and new developments in Dartford and Gravesham with core express routes which would be connected to other areas of Kent Thameside by means of feeder routes and rural links. It is intended that Fastrack would maximise the opportunity for travel in Kent Thameside by public transport and achieve by choice a significant and necessary modal shift away from car use and use the public transport network to integrate existing and future communities and provide a basis for sustainable development.
7. This proposal forms part of the Fastrack rapid bus transit system which is one of the core infrastructure projects for Ebbsfleet Garden City and it seeks to contribute to the objective of a modal shift from private car to public transport. The proposal seeks to create a direct pedestrian, cycle and bus link between development within Eastern Quarry and the Bluewater shopping centre (Bluewater).
8. A number of other permissions have been granted by the County Planning Authority relating to Fastrack. In December 2002 permission was granted (DA/01/026) for the construction of a dedicated public transport route known as Fastrack Phase 1 to run between Dartford and Greenhithe railway stations via Home Gardens, Darenth Road, Princes Road, Darenth Valley Hospital, Bluewater and St Clements Way. This was considered by the Planning Applications Committee on 14 May 2002.
9. In November 2003 permission was granted for the Kent Thameside Fastrack, Everard's Link Phase 1. This being the provision of a bus priority route and interchange, including associated landscaping works, part of the Kent Thameside Fastrack major scheme (DA/03/627) relating to land north of railway line & east of Station Road, Greenhithe. This was considered by the Planning Applications Committee on 14 October 2003.
10. In January 2007 permission was granted for Kent Thameside Fastrack, Everard's Link Phase 2, being the provision of a bus priority route linking the bus/rail interchange with the new development at Ingress Park (including associated landscaping works, and dismantling and re-erection of listed wall and associated railings along The Avenue), which form part of the Kent Thameside Fastrack Major Scheme (DA/06/856) relating to land north of railway between Station Road & The Avenue, Greenhithe. This was considered by the Planning Applications Committee on 7 November 2006.
11. The current proposal forms part of the Fastrack Full Network and would be part of a link between Ebbsfleet International Station and Bluewater.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

12. The Ebbsfleet Implementation Framework (2017) included the upgrading of the Fastrack bus system to ensure a quality, frequent, affordable, viable and sustainable rapid public transport system be within 5 minutes' walk of every neighbourhood. The Framework states that this would be through the upgrading of Fastrack's speed, frequency and reliability through the building-out of missing sections of segregated track and by maximising of levels of priority across the network. The completed Fastrack network will aim to reduce car-dependency in the area, therefore achieving greater public transport modal split across Dartford and Gravesham and providing better integration with the central transport hub at Ebbsfleet International Station and a more direct route to Bluewater, Darent Valley Hospital and facilities in Dartford and Gravesend town centres.

Proposal

13. The proposal is for a new tunnel and associated road works for bus cycle and pedestrian access to the east of Bluewater to link to the new residential community development within the former Eastern Quarry through a chalk spine under the B255 Bean Road that separates the two former quarries.

14. The proposed new tunnel would be located to the north of two existing tunnels within the application area and would be 80m long and include a portal hood protection and would house a 3.5 m wide single way fastrack busway linking Eastern Quarry and Bluewater and would also provide a separate 2m wide footway on the southern side of the tunnel with a 0.5m paved surface separation from the bus carriage and a 3m wide shared use footway/cycleway on the northern side of the tunnel with a 0.5m paved surface separation from bus carriage as part of the Ebbsfleet Garden City green corridor network.

15. The tunnel works include provision of a proposed canopy within the tunnel to mitigate surface movement and settlement and internal lining of the tunnel to 3m above ground with graffiti resistant metal ceramic panels and up lighting behind panels. It is proposed that the tunnel would be naturally ventilated. Lighting would be provided within the tunnel.

16. At both ends of the tunnel, rockfall netting would be used during construction and on completion a tunnel hood at both ends is proposed. The existing northern tunnel would be used during construction.

17. To the west of the proposal linking to Bluewater, the proposal includes traffic signal controlling bus priorities; connection of the shared footway/cycle way and the pedestrian footway to Bluewater Parkway crossing and linking to the existing Bluewater network and Lime Tree Avenue. There would be staggered toucan crossings for both carriages to the west to connect with Bluewater. Buses would turn left only from the tunnel into Bluewater Parkway to access the existing bus station and to return through the tunnel to Eastern Quarry would turn right into a dedicated bus lane to access the tunnel. There would be access through the tunnel for emergency vehicles but not for private vehicles.

18. To the east, the tunnel would link into the Fastrack network and pedestrian and cycle path being developed within Eastern Quarry which are yet to be built.

19. The proposal includes the infilling of an existing northern tunnel and the retention of the existing southern tunnel with protection and enhancement for bats, including the fencing and gating of the tunnel at the western end adjacent to Bluewater, allowing access for monitoring and at the eastern end adjacent to Eastern Quarry blocking access except for

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

a grill for bats access and egress. New roost features on the southern tunnel walls are proposed.

20. The proposal includes the removal of 23 trees in the vicinity of the western tunnel portal, in the central reservation of Bluewater Parkway and at the corner of Lime Tree Avenue where it joins and along Bluewater Parkway between the existing car parking area and the roadside. Replacement tree planting is proposed including 50 saplings around lake 5. The proposal also includes the removal of existing reed bed and replacement reed bed provision in extended lake 4.
21. Construction access for road construction and tunnelling is proposed via Eastern Quarry which is accessed via Watling Street and through the northern haulage tunnel for construction on the Bluewater side as far as possible. The applicant proposes to submit a Construction Environment Management Plan (CEMP) for construction works. The application includes an air quality dust assessment, including mitigation measures for low risk sites to be set out in CEMP.
22. Details relating to surface water drainage have been included within the proposal. Rain falling within Eastern Quarry would be catered for within the drainage systems proposed for Eastern Quarry. No surface water is expected to enter the tunnel except on wheels of vehicles. There would be no surface water provision within the proposed tunnel and any surface water from within the tunnel would run toward Bluewater drainage system. Drainage for the new impermeable surfaces to the west of the tunnel would be routed to the existing drainage systems within Bluewater. The proposed new reedbed would manage the existing car park drainage in place of the existing reedbed which would need to be demolished.
23. The proposal includes a lighting impact study which states that the final external lighting design would be based on bat survey results; noise impact desk based assessment and structural survey/ land stability information which states that the back filling of the existing tunnel would need surveying before backfill design and completion and a landscape plan.
24. The applicant has provided ecological information within the application including a preliminary ecological appraisal and further surveys in relation to bat dusk emergence, bat hibernation, great crested newt eDNA of the waterbodies within Bluewater. The application includes mitigation and compensation measures within the submitted ecological appraisal, bat hibernation survey, reptile precautionary method statement, dormouse precautionary method statement and great crested newt eDNA report and in relation to nesting birds.
25. The applicant proposed that excavated rock from construction activity would be used to fill lake areas in Eastern Quarry, gabion embankments in Bluewater and that other waste as a result of excavation is anticipated by the applicant to be used as backfill in Eastern quarry or reprocessed within Eastern Quarry.

Planning Policy

26. The most relevant Government Guidance and Development Plan Policies are summarised below are relevant to the consideration of this application:

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

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

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

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

Promoting healthy and safe communities, including promoting social interaction (for example through street layouts that allow for easy pedestrian and cycle connections with and between neighbourhoods); places which are safe and accessible; enabling and supporting healthy lifestyles (including layouts that encourage walking and cycling) enabling and supporting healthy lifestyles and providing social and recreational facilities to meet community needs.

Promoting sustainable transport including ensuring that appropriate opportunities to promote sustainable transport modes have been taken up given the type of development and its location; safe and suitable access to the site for all users; significant impacts from the development on the transport network in terms of capacity and congestion or on highway safety can be cost effectively mitigated to an acceptable degree. Seeks to give priority first to pedestrian and cycle movements within the scheme and with neighbouring areas and facilitate high quality public transport with layouts that maximise the catchment area for bus or other public transport services; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; create places that are safe, secure and attractive which minimise the scope for conflict between pedestrians, cyclists and vehicles and avoid unnecessary street clutter and respond to local character and design standards; and allow access for emergency vehicles.

Achieving the requirement for well-designed places including high quality design and a good standard of amenity for all existing and future occupants of land and buildings; ensuring the developments function well and add to the overall quality of the area.

Meeting the challenge of climate change, flooding and coastal change;

Conserving and enhancing the natural environment in relation to habitats and biodiversity, ground conditions and pollution including ensuring that new development is appropriate for the location. Encourages the implementation of enhancements for biodiversity and encourages opportunities for biodiversity improvements around developments especially where this can secure measurable net gains for biodiversity. It also encourages policies and decisions which contribute to and enhance the natural and local environment, including minimising impacts on and providing net gains for biodiversity, including but establishing coherent ecological networks that are more resilient to current and future

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

pressures. Seeks to prevent unacceptable levels of soil, air, water pollution or land instability.

Conserving and enhancing the historic environment;

(iii) Development Plan Policies as detailed below.

Dartford Borough Council

Dartford Core Strategy 2011

- Policy CS1 **Spatial Pattern of Development.** Seeks to maximise regeneration benefits, promote sustainable patterns of development and protect less appropriate areas from development, focussing development in priority areas, including at Ebbsfleet to Stone, bringing back into productive use former chalk quarries and integrating existing communities with the new facilities these developments can provide.
- Policy CS4 **Ebbsfleet to Stone Priority Area.** Seeks to promote a chain of distinctive and individual but linked communities, existing and new. Seeks to achieve a number of outcomes including new residential communities focused on Ebbsfleet Valley and Stone, providing up to 7,850 homes within the Plan period, with further development beyond 2026; Local community facilities; employment; a network of multifunctional green spaces defining each community and serving recreational and biodiversity functions; physical integration of Bluewater with the existing and proposed residential communities surrounding it, with footpaths, cycle paths and buses, including Fastrack; linking of communities, facilities and key activity hubs through the Fastrack bus network, with a new link from Ebbsfleet through Eastern Quarry to Bluewater; built development reflecting the varied heritage of the area in order to create a sense of place.
- Policy CS5 **Ebbsfleet Valley Strategic Site.** Seeks to secure early delivery of the mixed use development, which will eventually comprise outcomes relevant to Dartford Borough including a community of up to 10,000 homes, (up to 5,250 assumed to be provided in the Plan period); employment; leisure and retail uses to support local residents, workers and visitors; community facilities required to support the residential community; an improved interchange facilities between Ebbsfleet Station, Fastrack and local buses and a pedestrian foot link with the North Kent line. Seeks to encourage high quality public realm; linked residential communities or 'villages', with a sufficient critical mass to support services, community infrastructure and the Fastrack service; a walking and cycling network and a Fastrack route across the area encouraging a high proportion of trips by sustainable means; physical and functional integration of the three individual sites in the Ebbsfleet Valley with each other, as far as possible, as well as with the adjoining communities at Swanscombe and Knockhall;
- Policy CS14 **Green space.** Seeks to achieve a multi-functional, high quality, varied and well-managed Green Grid. Significant biodiversity improvements at development sites include Ebbsfleet Valley, Swanscombe Peninsula and the Northern Gateway and Protecting and enhancing existing open spaces, and those identified and designated as locally important, the diverse landscape character, areas of nature conservation value, Sites of Special Scientific Interest, National

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

Nature Reserves and local wildlife sites, community and ancient woodlands, as well as priority habitats and species, both in the urban and rural area. Biodiversity enhancements will be focussed on the Biodiversity Opportunity Areas. Protection and enhancement of biodiversity on brownfield development sites will be based on survey data.

- Policy CS15 **Managing Transport Demand.** Seeks to reduce the need to travel, minimise car use and make the most effective use of the transport network by encouraging mixed use development and close interrelationship between complementary land uses: homes, jobs, shops and leisure, recreational and community facilities; require major development sites to make provision for Fastrack as part of planning proposals; work in partnership with Kent County Council, other partners and transport operators to deliver appropriate long term operating arrangements to ensure the success of Fastrack and ensure that the benefits of Fastrack, where embedded in existing communities, are not lost; work in partnership with Kent County Council and transport operators to improve conventional bus services. Where appropriate, major developments will be required to facilitate new services, improved frequencies or extensions to existing bus services. Provision of services will be required to serve early residents on developments with long build-out times; work in partnership with Kent County Council and transport operators to deliver an integrated transport network and integrated ticketing across different modes of transport; work in partnership with developers, Kent County Council and cycling groups to implement an integrated walking and cycling network joining communities with the facilities they need to access, including public transport facilities, primarily through the Green Grid (see Policy CS 14) and including the Public Rights of Way network. Grant funding will be sought to help implement the network.
- Policy CS16 **Transport Investment.** Seeks to enable the transport network to respond to the pressures of new development by delivery of a Strategic Transport Infrastructure Programme to ensure that the transport network operates at acceptable levels and that the transport infrastructure is in place to support new development.
- Policy CS23 **Minimising Carbon Emissions.** Seeks to minimise carbon emissions through energy efficiency and use of renewable energy by requiring all new development to demonstrate that reductions in energy use through passive design and layout of development have been explored and applied, where practical
- Policy CS25 **Water Management.** Seeks to manage the supply and quality of water and waste water / sewerage treatment capacity serving the community, to protect and enhance the quality of surface and groundwaters together with assisting in moving towards 'water neutrality' in the Thames Gateway. Seeks to ensure that new development and water services are co-ordinated and that the pace of development does not outstrip the water supply and wastewater / sewerage treatment capacity at any time.

2017 Dartford Development Policies Plan

- Policy DP1 **Presumption in Favour of Sustainable Development.** Seeks to ensure that Planning applications that accord with the policies in the Dartford Core Strategy

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

and this Plan, and policies in neighbourhood plans (where relevant), will be approved wherever possible, unless material considerations indicate otherwise and that a positive approach to considering development proposals reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF) and the development needs of the Borough identified in the Core Strategy.

- Policy DP2 **Good Design in Dartford.** Seeks to achieve good design in the Borough including by using opportunities to create high quality places using prominent physical attributes (including cliff faces, extensive network of open spaces and tree coverage); having regard to heritage assets; facilitating a sense of place, with social interaction, walking/ cycling, health and wellbeing, and inclusive neighbourhoods, through a mix of uses and careful design and layout. Good design should be reinforced and enhanced through integrating new development with the public realm, open space and natural features including rivers and lakes/ ponds. Providing permeability through clear pedestrian and cycle linkages, and where appropriate, active frontages, and a fine grain mix of buildings and spaces. In determining planning applications, consider how the height, mass, form, scale, orientation, siting, setbacks, access, overshadowing, articulation, detailing, roof form, and landscaping of the proposals relate to neighbouring buildings, as well as the wider locality. Spaces should be designed to be inclusive, safe and accessible for all Dartford's communities, including young, elderly, disabled and less mobile people. The design of buildings, open space and the private and public realm should, where appropriate, reduce the fear of, and opportunities for, crime, paying attention to the principles of Safer Places. Layout and design should allow the efficient management/ reuse of natural resources and waste, early consideration should be given to the achievement of on-site flood alleviation. Development will also be required to provide adequate and convenient arrangements for the storage of refuse and recyclable materials as an integral part of its design.
- Policy DP3 **Transport Impacts of Development.** Seeks to ensure that development is appropriately located and makes suitable provision to minimise and manage the arising transport impacts, in line with Core Strategy policies CS15 and CS16. Localised residual impacts on the highway network should be addressed by well-designed off-site transport measures. Adverse effects on residential amenity or the environment must be minimised. Seeks to ensure that development does not result in localised residual impacts from the development on its own, or in combination with other planned developments in the area, which are severe in relation to road traffic congestion and air quality; safety of pedestrians, cyclists and other road-users; and excessive pressure for on-street parking.
- Policy DP4 **Transport Access and Design.** Seeks to ensure that development should be of a design and layout to promote walking, cycling and public transport use through provision of attractive and safe routes which address the needs of users, otherwise development will not be permitted. Proposals should include appropriate vehicular access arrangements to the new development. Guidance set out in Manual for Streets, or any future equivalent, should also be applied (bespoke access and transport approaches may be agreed at large regeneration sites, where forming a suitable alternative). Seeks to ensure that where appropriate proposals ensure safe and convenient access to footpaths

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

and cycle routes, with public rights of way protected including, where opportunities exist, delivering new or enhancing existing routes between key facilities/ that link to the wider highways and green grid network; and linkages to existing neighbourhoods. Provision is made for public transport and taxis, especially at trip generating destinations and other significant scale developments, where layouts must allow penetration of routes to make community services easily accessible to all users, and feasible and efficient to operate. Services such as Fastrack should be enhanced through development that secures new network links through the site. Facilities are provided as appropriate for people with disabilities, especially at road crossing points, public transport stops and changes in level on walking routes. The layout and siting of access is acceptable in terms of residential amenity, highway capacity and safety, free flow of traffic, cyclists and pedestrians, and visual impact. Provision is made for loading, unloading and the turning of service vehicles ensuring highway and pedestrian safety.

- Policy DP5 **Environmental and Amenity Protection.** Seeks to ensure that development does not result in unacceptable material impacts, individually or cumulatively, on neighbouring uses, the Borough's environment or public health. Particular consideration must be given to areas and subjects of potential sensitivity in the built and natural environment, and other potential amenity/ safety factors such as air and water quality, including groundwater source protection zones, intensity of use, including hours of operation, anti-social behaviour and littering, traffic, access, and parking, noise disturbance or vibration, odour, light pollution, overshadowing, overlooking and privacy, electrical and telecommunication interference, HSE land use consultation zones, land instability, ground contamination.
- Policy DP11 **Sustainable Technology and Construction.** Seeks to ensure that development is well located, innovatively and sensitively designed and constructed, to tackle climate change, minimise flood risk and natural resource use and must aim to increase water efficiency. Planning applications for low/ zero carbon technology and installations, or for major developments with potentially significant water supply, flooding or wastewater implications, will only be permitted where they set out how appropriate and effective mitigation/ management is to be delivered.
- Policy DP12 **Historic Environment Strategy.** Seeks to ensure that development should contribute to the conservation and enjoyment of the Borough's historic environment. On archaeological sites, a desk-based assessment will be required as a minimum. Applications affecting non-designated assets should establish the asset's significance. Development should conserve or enhance those aspects that have been identified as significant and, where possible, should seek to better reveal an asset's significance. In determining planning applications affecting non-designated assets, the effect of the proposal on the asset's significance will be taken into account. A balanced judgement will be taken having regard to the significance of the heritage asset and the scale of any harm or loss of significance. Development resulting in a total loss of significance will not normally be permitted.
- Policy DP25 **Nature Conservation and Enhancement.** Seeks to protect designated sites. Where development is located within close proximity or with likely effects to

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

designated sites, seeks to ensure that proposals would not adversely impact on the features of the site that define its value or ecological pathways to the site. Proposals should seek to avoid any significant adverse impact on existing biodiversity features. Any potential loss or adverse impact must be mitigated, including with reference to the following guidance points: a) Where mitigation measures require relocation of protected species this will only be acceptable when accompanied by clear evidence that the proposed method is appropriate and will provide for successful translocation. b). Proposals should include provision for protection during construction, and mechanisms for on-going management and monitoring. Seeks to preserve and, wherever possible, enhance existing habitats and ecological quality, including those of water bodies, particularly where located in Biodiversity Opportunity Areas. In all development proposals existing trees should be retained wherever possible. If retention is demonstrated not to be feasible, replacement provision should be of an appropriate tree species and maturity and/ or canopy cover taking into account the tree that is being replaced and the location.

Supplementary Planning Guidance

Eastern Quarry Planning Brief SPG (2002) which noted that development would be required to deliver segregated Fastrack public transport route(s), at the earliest possible stage to connect the heart of Kent Thameside, with Dartford Town Centre, Bluewater, Ebbsfleet and Gravesend Town Centre via Thames Way. The development of the site will require the provision of one or more segregated public transport routes between Bean Road and Bluewater to the west and Ebbsfleet to the east, as part of the Fastrack network. The Fastrack network is critical to the development and regeneration of Kent Thameside. It will provide the site with excellent links to major destinations within Kent Thameside, and speedy access to Ebbsfleet in particular from where Central London, as well as continental Europe, will be readily accessible. Careful attention will have to be paid to design, so that transport corridors do not sever communities either within Eastern Quarry, or between Eastern Quarry and elsewhere.

Development proposals must incorporate the provision of Fastrack infrastructure as an integral part of the development and secure the on-going, long term provision of appropriate services on this infrastructure. As part of the Fastrack network, provision is to be made for high quality stops and, where appropriate, interchanges. Real-time information must be provided at the stops. A detailed Fastrack specification will be provided to assist in the provision of this facility. The concept of Fastrack is fundamental to the minimisation of traffic generation and to the built design philosophy for the site. The Council will require development proposals to provide a clear programme for the procurement and provision of Fastrack infrastructure and services across and within Eastern Quarry. Provision should also be made for other bus services to serve the site, complementing the Fastrack network. The road layout should be designed to give priority to buses over cars. Pedestrian and cycle movements will be an essential element of the new development. The ability to walk or cycle to the centres and to Fastrack and bus stops along convenient, safe, interesting and attractive routes will be particularly important. New access ways into and out of the Quarry site (as described above) should contain safe dedicated routes for both pedestrians and cyclists.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

(iv) Other relevant statutory guidance

In addition, whilst not part of the development plan and not planning policy, statutory guidance was published by the Department of Transport on 9th May 2020, relating to Reallocating road space in response to COVID-19: statutory guidance for local authorities and Guidance for local authorities on managing their road networks in response to the coronavirus (COVID-19) outbreak.

Consultations

27. **Ebbsfleet Development Corporation (EDC)** raise no objection and comment that it welcomes the provision of the proposed tunnel as it will enhance public transport, pedestrian and cycle connections and delivers on the vision for the strategic connections through Eastern Quarry, as set out in the outline planning consent for the Eastern Quarry development site. The EDC was engaged in pre-application discussions and the submission addresses comments made at that time. The provision of the pedestrian/cycle crossing on the Eastern Quarry side of the tunnel is welcomed. We note it appears very close to the tunnel entrance and understand the intention to deliver this as a raised table with a reduced speed of 20mph through the tunnel alleviates safety concerns previously raised. We also note the provision of twin 800mm diameter pipes to act as conduits under the road to accommodate the swale that will be delivered along the boundary in Eastern Quarry. These are intrinsic to the successful delivery of SuDS features in Eastern Quarry and compliance with the relevant masterplan for the area. We would therefore recommend details of the pipes in relation to length and depth buried under the proposed road to be secured by condition, to align with the emerging landscaping details being developed by the Eastern Quarry landowner. Details of hard and soft landscaping are noted in the submission. Indicative hard landscaping materials for Eastern Quarry have been secured in the relevant Area Masterplan to ensure consistency throughout the development. EDC recommend details of hard landscaping materials are secured by condition to ensure they accord with those identified in the Area Masterplan, which have been agreed with Kent Highways Agreements Team.

Dartford Borough Council raises no objection in response to the proposal and comment that it welcomes the plans for the new tunnel under Bean Road which will help to realise the objectives of a direct FastTrack bus route improving journey times and enabling it to better serve the new development at Ebbsfleet. The provision of the footway/cycleway connection also meets the Local Plan objectives of providing integrated developments and access to services in order to discourage car use. With regard to the detailed design the Council has some concerns that a desire line is likely to be created between the pedestrian/cycle crossing of Bluewater Parkway and the shopping centre itself via the car park. This is likely to result in the erosion of the landscaped verge and pedestrians emerging between cars in the car park. The Council would request that measures are taken to deter such access or that a direct pedestrian link is provided through the car park.

Environment Agency (Kent Area) raise no objection subject to conditions and informatives being applied to any planning permission granted concerning addressing contamination should it be found to be present at the site and subject to Informatives being applied to any permission in relation to waste management, permitting implications and drainage for the tunnel which must connect to and have regard to the water

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

management strategies for both the Bluewater and Eastern Quarry developments and tunnelling activity which should be undertaken in a manner not likely to create impacts on the underlying chalk aquifer, having regards to potential water abstractions in the vicinity. Relevant groundwater monitoring may be required, but existing networks in Eastern Quarry may be sufficient for this purpose.

KCC Flood and Water Management initially raised a holding objection concerning the interface of the tunnel to the wider network however this was subsequently withdrawn and are satisfied that provision will exist for connection of this proposal. Conditions are recommended concerning the submission and approval of a detailed sustainable surface water drainage scheme for the site which should demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance): that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters and that appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details. This is recommended as a pre-commencement condition to ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. A condition is also recommended concerning submission and approval of a Verification Report pertaining to the surface water drainage system to demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved and to contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Natural England have no comments to make on the application and advise that they have not assessed the proposal for impacts on protected species. Natural England refer the Planning Authority to published Standing Advice to use to assess impacts on protected species and to consultation with our own ecology services for advice. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

KCC Ecology Advice Service raise no objection to the proposal and comment that the Ecological Appraisal, Bat Hibernation Survey Report, Dormouse Precautionary Method Statement and Reptile Precautionary Method Statement have been submitted and that an appropriate level of ecological survey work has been carried out and that there is sufficient information regarding the identification of potential ecological impacts. They comment that the ecological appraisal identifies the potential for impacts to bats and their roosts, nesting birds, reptiles, hazel dormice, hedgehogs and advise that whilst the principles of the mitigation/compensation proposals are acceptable, a clear plan or timeline regarding the proposed timings of the different stages of vegetation clearance, taking into account the potential for impacts to each species / species group would have been beneficial to ensure clarity for all parties. However, they comment that they do not consider the absence of a timeline to be a predetermination requirement. Given the need for ongoing vegetation management over the course of the proposed development, a

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

method statement that incorporates considerations for all protected / designated species could be secured by pre-commencement condition, if permission is granted.

Advise that a European protected species mitigation licence (EPSML) will be required to carry out the proposed development due to the impacts upon bats. The Conservation of Habitats and Species Regulations 2018 requires Kent County Council as the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Kent County Council must consider whether it is likely that an EPSML from Natural England will be granted, and in so doing must address three tests when deciding whether to grant planning permission for the proposed development. The three tests are that a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”; and that the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

Advise that the first two tests are matters for the County Planning Authority to decide and that the proposed approaches to mitigation and compensation for bats will satisfy the requirements of the ‘third test’.

Advise that the application for the EPSML to Natural England will likely require a legal agreement between the applicant and Natural England to secure the mitigation and compensatory provision from foreseeable development and habitat management threats.

Advise that in relation to biodiversity enhancements, the loss of 22 trees will be compensated for by the planting of 50 trees and that landscaping associated with the Eastern Quarry is not secured through the planning application for this development. The NPPF states that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged especially where this can secure measurable net gains for biodiversity”. In terms of habitat loss / gain, our impression (without any specific measurement) is that there would be some loss of semi-natural habitat as a result of the proposed development. In its view, the compensation, securing long term provision for bats goes some way to offset the loss of habitat and it is difficult to see what other measures could be employed, beyond the provision of appropriate landscaping, details of which can be secured by condition, if permission is granted.

Kent Fire and Rescue Service raise no objection regarding means of access for the Fire and Rescue Service. From the submitted plans it appears that access to the site for the Fire and Rescue Service, is adequate. Consideration has been given to on site access as required by Building Regulations Approved Document B Section 5.

Transportation Planning in response to additional and amended information submitted by the applicant, raise no objection to the proposal and comment that they have received updated LinSig output and a revised general arrangement drawing supporting the modelling which has addressed concerns and is now acceptable. Transportation Planning recommend the following is incorporated into the design as the scheme is progressed:

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

- The crossing should have a minimum stagger distance so as to reduce as far as possible the distance non-motorised users (NMUs) have to travel north at the central island.
- To retain the open feel for pedestrians and assist in creating an aesthetically pleasing environment, provide raised kerbs, with the staggered pedestrian area flush with the carriageway, instead of guard railing. Examples of these crossings can be seen in other Districts, e.g. Ashford.
- To reduce the impact on pedestrians and cyclists, a 'call forward' demand should be provided when the crossings are demanded from the outer push buttons. Under this method a demand is automatically registered at the second crossing. This will save approx. 10 seconds waiting time at the second crossing.

In addition, Transportation Planning have raised a number of points of detail for the applicant to consider relating to the proposed landscaping plan and the proposed street lighting.

Transportation Planning request highways conditions should permission be granted, relating to the submission and approval of a Construction Management Plan including routing of construction and delivery vehicles, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries; provision of wheel washing facilities and any temporary traffic management/ signage.

Thames Water raise no objection to the proposal. They comment that the proposed development is located within 15 metres of its underground waste water assets and as such would like an informative to be attached to any approval granted concerning this and appropriate measures for working near Thames Water underground assets. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The planning application proposal sets out that foul water will not be discharged to the public network and as such Thames Water has no objection. Should the applicant subsequently seek a connection to discharge Foul Waters to the public network in the future, we would consider this to be a material change to the application details, which would require an amendment to the application and we would need to review our position. Thames Water advise that the proposed development is located within 15m of a strategic water main and a condition is requested to prevent piling until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Thames Water also comment that the proposed development is located within 5m of a strategic water main. Thames Water do not permit the building over or construction within 5m, of strategic water mains. Thames Water request a condition be added to any planning permission preventing construction within 5m of the water main and requiring the submission of information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, to be submitted to and approved by the Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

Swanscombe and Greenhithe Town Council raise no comment in relation to the proposal.

Local Member

28. The local County Member for Dartford East, Mrs Penny Cole and Mr Peter Harman for Swanscombe and Greenhithe were notified of the application on 11 November 2019. No views have been received to date.

Publicity

29. The application was publicised by the posting of 2 site notices, an advertisement in a local newspaper, and the individual notification of 3 nearby properties.

Representations

30. In response to the original publicity, 1 letter objecting to the proposal was received from Bean Residents Association. In response to the submission of additional information, a further letter of comment was received from Bean Residents Association. The unresolved matters following the provision of additional information are:

- There is a need to allow for a future additional northbound Bluewater entry lane.
- Clarification as to whether new PROWS are created.
- Provision for north to east turn into tunnel and how this would be controlled. Shortest access to tunnel is via Bluewater emergency access or Fastrack ramp (if allowed).
- That the Bluewater planting site is grassed area and part of existing children's playground.
- Disruption from 6-way traffic lights dismissed, without queue lengths being reported; The distribution between lanes isn't realistic. Most traffic heads for outside lane at tunnel site. Bluewater measure peak differently. Examine times of Bean contra-flow.
- Consider that two uncontrolled pedestrian crossings at tunnel portals are unsafe; uncontrolled crossings and potential electric vehicles are a problem for mobility impaired users (MIP). Even if found acceptable at Stage 2 Safety Audit, suggest cable ducts are incorporated.
- That changes to crossings at Bluewater end of tunnel have not been described and that two crossings of Bluewater Parkway have been reduced in width from 5.0m to 3.0m and straight crossing has now changed to staggered crossings.
- That crossings are not on desire line and risk cyclists and pedestrians choosing to use roads.
- That there is no existing non-motorised user (NMU) network to link with new combined cycleway and walkway.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

- Combined cycleway and walkway end suddenly at existing Lime Tree Avenue crossings. No signing guidance on route from there.
- That wildlife corridor tunnel missing from some drawings.

31. A further 3 letter(s) objecting to the application, 1 letter commenting on the application and 1 letter(s) of support have been received.

The key points raised **in support of the proposal** can be summarised as follows:

- As frequent Fastrack users, the service is our lifeline. We have really noticed the recent improvements made to the service too and are excited about the plans for the future. We fully support this enhancement and only object to the idea of an alternative tram project.

The key planning points raised **in comment only** of the proposal can be summarised as follows:

It is a short-term view to only make a tunnel for buses and not consider the likely event of a tram system locally connecting areas of North Kent as well as across the water in Essex. Even if buses eventually are hybrid they still need petrol engines (like the London ones) and is only a partial solution to the threat of global warming.

The key planning points raised **in objection to the proposal** can be summarised as follows:

Emissions

- a lack of baseline information in relation to the risk of dust and particulate incidence as a result of the absence of urban background automatic monitoring sites within the area, and that the current roadside monitoring sites are not representative of the receptors. Concern is raised that reliance has been placed on Defra background maps that are “estimates”.
- there may still be some risk of contamination from further remediation works.
- the air quality dust mitigation scheme needs to be as comprehensive as practicable and a number of additional elements moved from the desirable to the Highly Recommended category, such as no external dry sweeping.

Biodiversity

- Contrary to the application documents there is a removal of some priority habitat. The thrust of the NPPF and current planning policy is to seek an enhancement of biodiversity, not just in terms of replacement trees but in terms of the overall condition of the ecosystem.
- The works on the northern tunnel would have a significantly detrimental effect on the bat population, although mitigation might be achieved in the southern tunnel.

Design and other considerations

- The case for closing the tunnel appears to be largely driven by the issue of potential water run-off and the costs of controlling it. Considers that there may be alternative

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

solutions to this which could allow for further public transport enhancements in the area.

- Query the wisdom and safety of including bike tracks alongside a bus lane. Not only is a tunnel claustrophobic for many people but to have buses passing, in both directions (on a single lane) close by will deter potential cyclists. The dual use of a new tunnel is unattractive and unhealthy since cyclists will have to breathe diesel fumes and micro carcinogenic particles.
- there is a proposed KentEx tram system being currently explored which, if built, could have advantages in respect of the provision of quality and efficient public transport in the Kent Thameside area.
- The existing tunnel plan would preclude use of double deck bus and tram because of the dimensions of the planned tunnel would be insufficient for either trams or taller buses - consider increasing the tunnel dimensions now so that double deck buses and a tram would be feasible in the future if needed.
- The funding mechanism and the level of modal shift factored into the scheme is too optimistic. Referring to the proposal as a mass transit system does not alter the fact that this is essentially an enhanced bus route(s).
- There are three existing tunnels, which could be put to alternative use, to encourage safe cycling and walking between the Garden Village and Bluewater in a separated and protected environment. To use public funding to destroy an asset that could be a useful contribution to the local sustainable cycling and walking network is wasteful.

Community Engagement

- Contrary to the decision of the KCC Environment and Transport Committee on July 16th, which gives approval to carry out consultation on the scheme, there has been to date no consultation with the public or elected Members in Dartford on the Application which is hard to square with either KCC's scheme of Community Involvement or National Planning Guidance.
- There is no community involvement strategy contained within the CEMP.
- local residents seem not to be offered consultation on this use of public money and as above Borough council members affected by this decision when approached for comments or advice were not aware of the application.
- It is not on the agenda for local Dartford joint transport board meetings.

Discussion

32. In considering this proposal regard must be had to the Development Plan Policies and planning policy outlined in paragraph 26 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:

Need and Location

33. There is strong policy support for a direct link between the new residential development within Eastern Quarry and Bluewater for use by Fastrack, pedestrians and cyclists. It is supported by Core Development Plan Strategy policies CS1, CS4, CS5 and CS15. The

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

linking of communities via the Fastrack system is also supported by these planning policies along with Dartford Development Plan Policies DP4 and the SPD for Eastern Quarry which outlines the requirements for development in Eastern Quarry to link to the Fastrack system and to Bluewater.

34. The location of the proposed tunnel at the exit point from Eastern Quarry and the entry point with Bluewater is at an appropriate point to link to existing highway networks within Bluewater and to minimise the extent of works.
35. Furthermore, Dartford Borough Council comments that it welcomes the plans for the new tunnel under Bean Road which will help to realise the objectives of a direct FastTrack bus route, improving journey times and enabling it to better serve the new development at Ebbsfleet. The provision of the footway/cycleway connection also meets the Local Plan objectives of providing integrated developments and access to services in order to discourage car use. Ebbsfleet Development Corporation also welcomes the provision of the proposed tunnel on the basis it will enhance public transport, pedestrian and cycle connections and delivers on the vision for the strategic connections through Eastern Quarry, as set out in the outline planning consent for the Eastern Quarry development site.
36. The representation in support of the proposal refers to the positive benefits that Fastrack offers, whereas comments in objection relate to the design and nature of the proposal. The objections relate to the provision of a new tunnel and closure of one of the existing tunnels and to a proposal that does not include provision for a tram system, along with a concern about the impacts of the proposal. These matters are discussed further below. Those objecting to the application do not question the need for the proposal or the location of the proposal.
37. In light of the above, I consider that the need for and the location of the proposal is clearly supported by relevant development plan policy.

Highways and transportation impacts

38. The proposal is designed for the Fastrack bus, pedestrian and cycle access. A number of objections and highway concerns have been raised relating to the design and details of the proposal. These are addressed below.
39. An objection has been received on the basis that the proposal does not consider the potential for a tram system locally connecting areas of North Kent as well as with parts of Essex. Planning policy within Dartford and Ebbsfleet refers to the operation of the Fastrack system which is already well developed in the area. There are no references to an existing tram system within the current policies and a tram system does not currently operate within the area. It is suggested that a tram system is currently being explored which, if built, could have advantages in respect of the provision of high quality and efficient public transport in the Kent Thameside area in the future. However, there is no planning application that includes such a system and a tram system is not currently active in the area. In the absence of more established plans for a tram system there is no certainty of such development coming forward and it is appropriate to consider the current application in that context. The application being considered does not include the operation or connection to a tram system and a decision has to be made based on the merits of the current application which relate to providing an important link for Fastrack and the development within the Ebbsfleet Development Area.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

40. National planning policy and guidance seeks to ensure appropriate opportunities to promote sustainable transport modes can be or have been taken up given the type of development and its location. Planning policy CS4 refers to the need for physical integration of Bluewater with existing and proposed communities around it, including footpaths, cycle paths and buses including Fastrack and linking communities through the Fastrack bus network with a new link from Ebbsfleet through Eastern Quarry to Bluewater. Policy CS5 also refers to a Fastrack route and policy CS15 refers to making provision for Fastrack as part of planning proposals, including working in partnership to deliver long term operating arrangements to ensure the success of Fastrack and to ensure that the benefits of Fastrack where embedded in existing communities are not lost. The Eastern Quarry Supplementary Planning Guidance noted that development at Eastern Quarry would be required to deliver segregated Fastrack public transport route(s), at the earliest possible stage to connect the heart of Kent Thameside, with Dartford Town Centre, Bluewater, Ebbsfleet and Gravesend Town Centre via Thames Way and that the development of the site will require the provision of one or more segregated public transport routes between Bean Road and Bluewater to the west and Ebbsfleet to the east, as part of the Fastrack network. The Fastrack network is therefore considered to be important to the development and regeneration of Kent Thameside and at this location would provide the site with connection to an existing operating Fastrack network.
41. Given the type of development already permitted in relation to Fastrack; the development policies within Dartford that refer to this transport system and the location of the proposal in relation to existing Fastrack permissions and development at Eastern Quarry that seeks to include Fastrack, as detailed also in the Eastern Quarry Planning Brief SPG (2002), a refusal of the proposal on the basis that it does not include provision for a possible tram link cannot be justified in planning policy terms.
42. National planning policy seeks to ensure safe and suitable access to the site for all users and that significant impacts from the development on the transport network in terms of capacity and congestion or on highway safety can be cost effectively mitigated to an acceptable degree. It seeks to give priority first to pedestrian and cycle movements within schemes and to facilitate high quality public transport with layouts that maximise the catchment area for bus or other public transport services; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; create places that are safe, secure and attractive which minimise the scope for conflict between pedestrians, cyclists and vehicles and avoid unnecessary street clutter and respond to local character and design standards; and allow access for emergency vehicles. Whilst not yet embedded into planning policy, recent Department of Transport guidance in response to the coronavirus (Covid-19) pandemic seeks to encourage increased levels of walking and cycling and road layouts that facilitate this.
43. The proposed design allows for access for emergency vehicles in the tunnel should this be required and provides the required highway standards for maximum headroom so that it would be suitable for all road going vehicles, including emergency vehicles.
44. Concern has been raised that the existing tunnel plan dimensions of the development would be insufficient for either trams or taller buses and that the tunnel dimensions should be increased now so that double deck buses and a tram would be feasible in the future if needed. The applicant advises that the proposal has been designed to meet standard highway clearance and that the design would allow double height buses and the space is also large enough to allow a full-sized double decker continental train through the tunnel.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

Therefore, the proposal in planning terms would not preclude the operation of a tram system in the tunnel should this be promoted in the future, however I note that there would be compatibility issues that would need to be addressed in terms of the operation of a Fastrack system and a tram system together. This would need to be addressed both within the tunnel and within the network beyond. Current planning policy supports Fastrack, which is a bus priority system and the applicant's proposal currently supports only Fastrack and pedestrian and cycle access.

45. The infilling and closure of the existing tunnels has attracted objection as there is a view that they could be used to encourage safe cycling and walking between the Garden Village and Bluewater in a separated and protected environment, or that the northern tunnel could allow for further public transport enhancements in the area .
46. The applicant advises that other options have been considered in relation to the use of the existing tunnels. However, to use the existing tunnels as part of the Fastrack scheme with pedestrian and cycle access would require extensive works to realign the profile and to make good for the intended use. It is of note that due to the existing vertical alignment, pedestrians would need to descend down steps or a ramp on the Eastern Quarry side to access the tunnel. In addition, walking and cycling provision within separate tunnels could be considered to be less safe and potentially attract anti-social activity.
47. The applicant's proposed option is therefore the creation of a new tunnel and infilling of the northern tunnel with the southern tunnel being enhanced for mitigation. The applicant proposes infilling of the northern tunnel in order to prevent unauthorised access, to reduce risk to the adjacent new bore tunnel and to reduce maintenance responsibilities. The western and eastern ends of the southern tunnel would be blocked to prevent public access. The existing northern tunnel, if left as it is would not be available for use for further public transport enhancements in the area without further works to make it suitable for use, appropriate connection to development either side and funding.
48. Whilst it is noted that the existing tunnels could have potentially contributed to the local sustainable cycling and walking network, these options have not been pursued within the application and provision instead has been made in the tunnel that would be created. A decision therefore needs to be made on the basis of the application as made.
49. Objection has been raised regarding the safety of including bike tracks alongside a bus lane, commenting that a tunnel is potentially claustrophobic and to have buses passing, in both directions (on a single lane) close by will deter cyclists. Whilst the application refers to the proposal as a "tunnel" it is actually in highway terms, an underpass as it is 80m long, less than 150m long which defines a tunnel in highway terms. It is designed to meet the technical standards of an underpass. The peak bus movements are expected to be initially at 10-minute intervals moving to 5 minute intervals as Fastrack grows to its full network. Therefore, a bus would drive through every 5 minutes initially and every 2.5 minutes when at full network. There would be a 20mph limit within the tunnel. The applicant has estimated that it would take approx. 60 seconds to walk through the tunnel and 18 seconds to cycle through the tunnel. The applicant advises that the combined footway/cycleway would have a 0.5m buffer to the bus lane that will be marked by a white line and the road surface will provide clear demarcation. It is proposed that the bus track will be single way, with bi-directional bus lane controlled by a traffic signal system. Therefore, the bus will only be travelling in one direction at any time and buses will not pass in both directions at the same time. The design considers the safety of all proposed road users and has not raised objection from the Highways Authority.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

50. Objection is also raised to the dual use of a tunnel because it is considered unattractive and unhealthy since cyclists will have to breathe diesel fumes and micro carcinogenic particles. Mechanical ventilation within the tunnel is not required as its length is less than the 150m and is therefore not necessary in order to meet the Highways England standards BD78/99. I also note that in the longer term the planning application states that it is proposed that an all-electric fleet would eventually be used and so the air quality within the tunnel would reflect that of a zero-emission fleet. I am advised by the applicant from commencement of the Fastrack service in April 2022, the intention is that the Fastrack fleet will be using electric buses and air quality considerations within the tunnel would therefore reflect this.
51. I note that neither Dartford Borough Council, Ebbsfleet Development Corporation nor the Highways Authority have objected to the shared use of the proposed tunnel, or the infilling of the northern tunnel and given that the proposal meets the highway safety standards and has not resulted in objection from the Highways Authority, I do not consider that a refusal on highway grounds could be justified as a result of the proposal not separating pedestrian and cycle use from the bus lane by the provision or retention of separate tunnels for cycle and pedestrian used in the manner suggested.
52. The Residents Association response raises a number of technical issues concerning the proposal. These relate to an additional northbound entry lane, public rights of way (PROWs), pedestrian crossings, adequacy of modelling, emergency access arrangements, safety arrangements and signage. These matters are addressed below.
53. In respect of an allowance for a future additional northbound Bluewater entry lane, there are no plans for an additional northbound entry lane as there is insufficient space for the required geometry. It is not therefore part of the planning application proposed. Given that there is no highways objection to the proposal I consider that not including an allowance for a future northbound Bluewater entry lane would not be sufficient reason to conclude that the proposal does not accord with the planning policy requirements in relation to highway matters.
54. The Residents Association ask whether any new PROWs are created. The proposal includes new pedestrian linkages between the residential development at Eastern Quarry and Bluewater but these will not be designated as public rights of way as part of this proposal. No PROWs will be impacted or created as part of the scheme, although new PROWs are anticipated to be created as part of other development within Eastern Quarry, beyond the application area. Whilst a busway, walking and cycling will be maintained through the tunnel it will not be adopted as the west end is within Bluewater ownership. There is no policy requirement that would require the scheme to include the creation of any new PROWs.
55. Queries are raised over the provision for north to east turn into tunnel and how this would be controlled. The applicant states that the north to east left turn into the tunnel will be prohibited and that emergency vehicles are not expected to access the tunnel from Bluewater to gain access to Eastern Quarry as there is direct access from the Hedge Place roundabout. If necessary, emergency vehicles would be able to turn into the tunnel access road. Access through the tunnel would be signal controlled with unauthorised access regulated using automatic number plate recognition (ANPR) and enforcement.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

56. The Residents Association consider that disruption from the 6-way traffic lights has been dismissed, without the queue lengths being reported and that the distribution between lanes isn't realistic. A report showing junction capacity calculations using the Linsig software package, which is the commonly accepted means of measuring the performance of proposed traffic signal installation has been submitted and considered as part of the application. However, the Residents Association comment that the Linsig results are for Bluewater's peak car park occupancy, not am and pm peak traffic times. The applicant has clarified that this is because the Bluewater peak is a Sunday near to Christmas rather than the typical morning and evening peak rush hour times. The additional Linsig information submitted has not given rise to an objection from the Highway Authority and has resolved its initial concerns. It is also noted that some further design improvements are suggested by the Highways Authority which the applicant has agreed to incorporate into the scheme.
57. In relation to the two uncontrolled pedestrian crossings at the tunnel portals, the Residents Association advises that it considers these to be unsafe particularly for mobility impaired users (MIP) users. Even if found acceptable at Stage 2 Safety Audit, they suggest cable ducts are necessary. In response, the applicant states that the uncontrolled crossings have good visibility and that the scheme has received a Stage 1 Safety Audit and will be assessed again at Stage 2 following Detail Design. The applicants state that any uncontrolled crossing would need to be found acceptable in safety terms prior to construction. The proposal has also not given rise to highway objection on this matter and in the Highway Authority's view, the uncontrolled crossings proposed would not require ducting as they are not likely to become signal controlled in the future as they are not intended to be used by the general traffic.
58. In addition, the Residents Association comment that changes to crossings at the Bluewater end of tunnel are not described and that two crossings of Bluewater Parkway are reduced in width from 5.0m to 3.0m and the straight crossing has now changed to staggered crossings. The drawings and Planning Statement have been revised to include a staggered pedestrian crossing in response to highway comments in order to achieve compliance with highway safety requirements.
59. In response to the Residents Association comment that there is no existing non-motorised user (NMU) network to link with new combined cycleway and walkway; the applicant states that the combined footway / cycleway links to the footway into Bluewater and the cycle network within Bluewater that runs through the car park. The proposals show a new pedestrian cycle route along the western side of Bluewater Parkway, connecting to the existing facilities on Lime Tree Avenue and this has not given rise to a highway objection. The Association's concern regarding signage is a matter that will be reviewed once the new tunnels are available. I consider that this would address the concern.
60. Transportation Planning in advising on the application as Highway Authority make a number of recommendations to incorporate into the design as the scheme is progressed. It considers that the crossing should have a minimum stagger distance so as to reduce the distance non-motorised users (NMU) have to travel north at the central island. To retain the open feel for pedestrians and assist in creating an aesthetically pleasing environment, it recommends that the scheme should provide raised kerbs, with the staggered pedestrian area flush with the carriageway, instead of guard railing (subject to road safety audit (RSA)). To reduce the impact on pedestrians and cyclists, it considers that a 'call forward' demand should be provided when the crossings are demanded from the outer push buttons. Under this method a demand is automatically registered at the

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

second crossing. This will save approx. 10 seconds waiting time at the second crossing. I consider that the details of these improvements could be required by condition should Members decide in favour of the proposal and the agent has agreed that the recommendations suggested can be incorporated into the scheme.

61. With the inclusion of conditions requiring further details of the design measures to address the Transportation Planning recommendations, to be incorporated into the design as the scheme is progressed, I consider that the proposal would meet the requirements of policy DP2 concerning design; DP3 concerning the transport impacts of development and DP4 concerning transport access and design.
62. I also consider that a condition is used to require the submission of a Construction Management Plan should permission be granted to include routing of construction and delivery vehicles, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries; provision of wheel washing facilities and any temporary traffic management/ signage.
63. In light of the above I am satisfied that the proposal is accordance with development plan policy and guidance in relation to highway and transportation matters.

Air quality

64. The proposal is not located within an Air Quality Management Area (AQMA) however there two AQMAs near to the site – the London Road AQMA (no 2) is within 361m of the proposed planting area adjacent to lake 5 and approx. 960m north from the proposed area of works. The Bean Road Interchange AQMA (no 4) is within 610m south of the proposal.
65. The proposal seeks to provide for the Fastrack route which is linked to public transport initiatives designed to help reduce the worsening of local traffic emissions, especially in the light of proposed development. The proposal also seeks to provide pedestrian and cycle connection routes. These methods of transport are intended to have a positive impact on Air Quality.
66. However, the temporary impacts during construction of the proposal may give rise to dust and the application includes an air quality impact dust assessment, which refers to the Institute of Air Quality Management (IAQM) 2016 Guidance on the assessment of dust from demolition and construction version 1.1, to address this.
67. The submission has not given rise to any objections from the statutory consultees. However, it has given rise to a neighbour objection regarding the quality of data used to assess dust and particulate incidence as a result of the absence of urban background automatic monitoring sites within the area and a concern that reliance has been placed on Defra background maps that are “estimates” and that there may still be some risk of contamination from further remediation works.
68. The air quality impact dust assessment does not include the risks of exposure to contaminated dusts that could arise from the remediation of contaminated land (should it be identified). The information within the planning application does not indicate that the proposal requires the remediation of contaminated land and no contamination is expected by the applicant to be on site. It is noted that the Environment Agency require additional conditions to be imposed should unforeseen contamination be found and I consider that

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

should this be the case the air quality dust assessment can also be required to be reviewed to consider previously unforeseen impacts. This can be required by a condition.

69. The dust assessment states that the Local Authority is responsible for 3 automatic monitoring stations at Dartford Town Centre, Bean Interchange and St Clements for particulate matter. However, it also states that there is an absence of urban background monitoring sites within the area and that the current roadside monitoring sites are not representative of the receptors. The applicant therefore uses Defra background maps to obtain background concentrations for pollutants in Dartford. Use of DEFRA background concentrations and/or any local monitoring and modelling data is in accordance with the (IAQM) 2016 Guidance on the assessment of dust from demolition and construction.
70. The dust assessment concludes that the risk of dust impacts associated with the construction work proposed is low and that the sensitivity of the area to the proposed works is low and that the risk of impacts is negligible. The air quality dust assessment process requires the application of professional judgement in the assessment of risk and sensitivity of the area and impacts. As a result, the applicant considers that via the air quality dust assessment that they have carried out, no mitigation measures would be required for the negligible risk however as a precautionary approach and following good practice they propose dust mitigation measures for a low risk site. The proposed measures have then been categorised as not required, desirable or highly recommended.
71. The proposal has given rise to a neighbour concern that the mitigation proposed should be improved and a number of additional elements should be moved from the desirable to the highly recommended category.
72. The proposed desirable measures are the development and implementation of a dust management plan; dust monitoring including dust soiling checks within 100m of the Bean Road Tunnel; enclosure of site or specific operations where there is high potential for dust production and the Bean Road tunnel preparation works is active for an extensive period of time; keeping the tunnel site fencing, barriers and scaffolding clean using wet methods; removing material that has the potential to create dust from Bean Road tunnel as soon as possible unless being used on site; speed limit on site of 15mph; ensuring equipment is readily available on site to clean spillages as soon as reasonably practicable; avoiding dry sweeping of large external areas and recording haul route inspection and subsequent actions in log book; avoiding roughening of concrete surfaces if possible, ensuring sand and other aggregates are stored in enclosed buildings; using water assisted dust sweepers on the access and local roads to remove as necessary any material tracking out of the site. This may require a sweeper to be in continuous use and ensuring vehicles are covered when entering and leaving the site to prevent escape of materials during transport and implementing a wheel cleaning system.
73. These are matters which can be required by a condition requiring submission of a Construction Environment Management Plan (CEMP) and it is noted that the applicant in its air quality impact assessment concludes that these matters should be set out within a CEMP. I consider that the CEMP can include these desirable good practice matters along with the highly recommended mitigation measures should circumstances at the site require them. A separate condition can also be required requiring the implementation of the mitigation measures set out in the Air Quality Dust Assessment to this effect. These are set out in my recommendation.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

74. The Residents Association comment that the Air Quality Dust Assessment ignores the impacts after the tunnel opens from the Eastern Quarry Works. The applicant states that the Eastern Quarry development would provide an Air Quality Dust Assessment associated with those operations. The impacts to users of the tunnel as a result of the Eastern Quarry works would in my view be addressed within the controls over remaining works within Eastern Quarry and is not required as part of this development.
75. Given that there have been no adverse comments relating to air quality from the Borough Council, and subject to the inclusion of conditions requiring appropriate mitigation measures to be implemented and measures to minimise dust emissions during construction in accordance with the submitted details, I consider the proposed mitigation during construction is acceptable in assessing the proposal against policy DP3 and DP5.
76. I also consider that the information within the application with regard to noise and vibration does not give rise to any unduly adverse impacts and consider it is acceptable when assessing the proposal against policy DP3 and DP5.

Biodiversity

77. National planning policy and guidance is that when considering planning applications if significant harm to biodiversity interests resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
78. The site is not located within any statutory or non-statutory designated nature conservation sites. The proposal is located approx. 225 m from Natural England Priority Habitat: Deciduous woodland and approx. 840m to a Site of Special Scientific Interest at Darenth Wood to the south west of the site, where there is ancient and semi ancient woodland. The SSSI site is isolated from the proposed development however because of the existing road network, bus routes and quarry walls. The site is located within an SSSI Impact Risk Zone in relation to Darenth Woods SSSI and West Thurrock Lagoon and Marshes although falls outside of the forms of development that require consultation with Natural England.
79. Beyond these areas, the proposal would result in the loss of a small area of reedbed and standing open water, both of which are priority habitats and other vegetation, which is predominantly broadleaved plantation woodland will need to be removed to provide access for construction and operational traffic.
80. Nesting birds use the reed beds and existing vegetation in the area, including 2 species which are listed on schedule 1 of the Wildlife and Countryside Act. A pre-construction bird survey would be undertaken in relation to these and this can be required by condition. Replacement reed bed and tree planting is proposed. Other protected species are impacted upon as discussed below.
81. The applicant has included mitigation to ensure no net loss of reedbed and open water habitat. They have also provided additional planting to compensate for the loss of trees. Planting to the east would be landscaped in accordance with Eastern Quarry development, including enhancement to create an ecological barrier around the cliff face as part of the Eastern Quarry Ashmere Public Realm and Landscape.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

82. The southern tunnel is used by bats and to a lesser extent, the northern tunnel. The northern tunnel would be used during construction and the applicant proposes to infill the northern tunnel which the applicant says is less used by bats however it proposes to retain and enhance the southern haulage tunnel which is used by bats.
83. The applicant has addressed the impact of the proposal to bats in relation to habitat clearance around the northern tunnel and disturbance to bats as a result of infilling the northern tunnel and works to the cliff face (including removal of rock and rock traps or netting) which may impact on bats in the ecological appraisal in relation to the timing of the proposed works which would avoid the bat hibernation period (November to March) and precautions to be undertaken to avoid killing or injury to bats including inspection by a licensed bat ecologist and infilling of any cracks within the northern tunnel before any works start to ensure that no bats are present and repeat inspection during works within the northern tunnel. In addition to any planning permission, a European Protected Species Mitigation Licence (EPSL) would be required from Natural England for the works to legally proceed. Mitigation would therefore be provided in accordance with the EPSL requirements and compensatory roosts and enhancements have been proposed with the retention of the southern tunnel which would be protected and retained primarily for bats. The applicant proposes compensatory roosts for the approximate 3 features that would be lost in the northern tunnel and an enhancement by an additional 15 (minimum) new roosting features within the southern tunnel. These are to ensure adequate compensation and opportunity for uptake within a choice of roost features. Some off-site roost features are also proposed within the conveyor tunnel (which is outside the planning application area). No public access is proposed within the southern tunnel, only access for maintenance. The tunnel would be fenced off but still allow access for bats.
84. No new lighting would be provided outside the entrance to the western portals of the existing southern and northern tunnels. There would however be proposed lighting outside the new tunnel and on Bluewater Parkway and in Eastern Quarry and the lighting design would be proposed in conjunction with an ecologist in respect to the impact to bats and in accordance with The Institute of Lighting Professionals Bat and Artificial Lighting in the UK Guidance Note 08/18. This could be required by a planning condition.
85. Post construction monitoring bats surveys are also proposed as a requirement also of the EPSL. The monitoring aims to secure evidence that compensation measures are being used and are suitable.
86. The site is also classified as an autumn swarming site (i.e. a roost of high conservation status) and a legal agreement is likely to be required as part of the EPSL application to provide a mechanism to ensure that any mitigation/compensation is safe from foreseeable development and habitat management threats. The applicant proposes a Natural Environment and Rural Communities (NERC) Act Agreement with Natural England.
87. In relation to birds, all nesting birds are protected, and the timing of works would need to be carried out outside of the bird breeding season or be subject to ecological supervision. Two species may be present which have additional protection: Cetti's Warbler and Peregrine Falcon. A pre-construction bird survey is required and if found works would need to be carried out under ecological supervision and these matters can be addressed by a condition.
88. The applicant has submitted a Precautionary Method Statement in relation to works and reptiles and timing of works and compensation habitat in the form of reedbed and open

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

water extension and hibernacula log piles from felled trees. Amphibian and reptile hibernacula are also proposed in relation to common frog, smooth newt, common toad and grass snake as well as linkages between pond and reedbed to surrounding habitat. Hazel Dormouse may also be present at the site and a Precautionary Method Statement would be implemented under the direction of an ecologist.

89. Development Plan Policy DP25 seeks to avoid any significant adverse impact on designated sites and seeks to avoid any significant adverse impact to biodiversity features with the mitigation of any potential loss or adverse impact. The policy requires that where mitigation measures require relocation of protected species this will only be acceptable when accompanied by clear evidence that the proposed method is appropriate and will provide for successful translocation and that there is provision for protection during construction, and mechanisms for on-going management and monitoring. The policy expects that developments will preserve and, wherever possible, enhance existing habitats and ecological quality, including those of water bodies, particularly where located in Biodiversity Opportunity Areas. The policy also requires that existing trees should be retained wherever possible. If retention is demonstrated not to be feasible, replacement provision should be of an appropriate tree species and maturity and/ or canopy cover taking into account the tree that is being replaced and the location. Given the advice received from the Ecology Service, I am satisfied that the measures detailed in the application meet the policy requirements and that additional information in relation to the landscape planting and survey, supervision and mitigation and compensation arrangements can be required using conditions.
90. Policy CS14 seeks biodiversity improvements at development sites including Ebbsfleet Valley, Swanscombe Peninsula and the Northern Gateway and Protecting and enhancing existing priority habitats and species, with biodiversity enhancements focussed on the Biodiversity Opportunity Areas and protection and enhancement of biodiversity on brownfield development sites based on survey data. Part of the site to the west within the Bluewater area is within an area identified as green space and part of the area within the Eastern Quarry development is identified as proposed green space within an indicative biodiversity opportunity area. Both the west and east parts of the site are within an indicative biodiversity opportunity area.
91. Natural England have been consulted on the proposal and referred to their Standing Advice relevant to the review of planning applications concerning protected species and the consideration of how a development might affect a priority species on or near a development proposal. Consultation with the KCC ecological advice team has taken place to help apply the standing advice.
92. In relation to ancient woodland and veteran trees, the proposal is located approx. 840m from Darenth Wood. Having considered the Standing Advice I conclude that the development will not have a direct impact on the ancient woodland, nor would it have a significant indirect impact on ancient woodland or ancient and veteran trees because of the current separation that exists between two locations. Whilst the proposal does result in the loss of some localised trees within the application site area, it is a relatively small number in a well-defined area and replacement planting elsewhere has been proposed as compensation. I do not consider that the proposal would add significantly to the amount of pollution, including dust or increase disturbance to wildlife from additional traffic and visitors or adversely impact on light or air pollution or give rise to largescale changes to the landscape character of the area and any such impacts need to be balanced against the wider benefits of the proposed development.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

93. In relation to protected species the standing advice when a proposal is likely to affect a protected species is that planning permission can be granted if an appropriate survey was carried out by a qualified ecologist at the time of year specified in the standing advice; a wildlife licence is likely to be granted by Natural England if one is needed; mitigation plans are acceptable; compensation plans are acceptable when mitigation isn't possible; review and monitoring plans are in place where appropriate and all wider planning considerations are met.
94. KCC Ecology Advice Service raise no objection to the proposal. They comment an appropriate level of ecological survey work has been carried out and that there is sufficient information regarding the identification of potential ecological impacts. The ecological appraisal identifies the potential for impacts to bats and their roosts, nesting birds, reptiles, hazel dormice, hedgehogs.
95. While the principles of the mitigation/compensation proposals are acceptable, they advise that a clear plan/timeline is needed regarding the proposed timings of the different stages of vegetation clearance, taking into account the potential for impacts protected / designated species. The applicant has noted that the timing of any habitat clearance works would need to be carefully timed because of the multi-species constraints present at the site and has included information in relation to each species however further information would be helpful. A method statement which incorporates considerations in relation to all protected / designated species can be required by a pre-commencement condition to address this matter.
96. The Conservation of Habitats and Species Regulations 2018 requires Kent County Council, as the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, in relation to bats, three tests need to be considered when deciding whether to grant planning permission for the proposed development because it is likely that a EPSL would be needed from Natural England for the works to proceed should planning permission be granted.
97. Firstly, that a licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
98. This is a matter of planning judgement, as we are required to take a view as to whether Natural England would be likely to grant a European protected species mitigation licence based upon information that would need to be submitted to Natural England by the applicant at a later date.
99. The applicant has sought pre-application advice from Natural England for this. The applicant states that they intend to apply for a European protected species mitigation licence (EPSML) to carry out the proposed development due to the impacts upon bats because of the proposed infilling of the northern tunnel and works to the eastern and western cliff faces. They also state that they intend to rely upon a NERC Act legal agreement with Natural England for the proposed works.
100. Given the policy support for a Fastrack connection between Eastern Quarry and Bluewater and the contribution towards achieving a modal shift in the context of new development within the area I consider that the proposal would make a contribution to

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

meeting the sustainable transport needs and the connectivity requirements of other development in the area. The proposal would have social and economic benefits. In these terms, the proposal would contribute to meeting other public interest requirements. In terms of the justification for backfilling the northern tunnel, the applicant considers that the proposal meets the overriding public interest test as infilling of the tunnel removes the potential for antisocial activity and removes any security concern that would arise if the tunnel were not infilled. The area would be accessible to residents of some 6250 new houses within the Eastern Quarry development along with those of existing housing within Swanscombe to the north of Eastern Quarry. Because of the ground levels within Eastern Quarry, access to the tunnels would not be possible and they could effectively become more like caves.

101. The second test is that the appropriate authority shall not grant a licence unless they are satisfied that there is no satisfactory alternative. In considering this test the applicant will need to demonstrate to Natural England that they have considered alternative means of achieving the development whilst minimising the impact on the protected species. An explanation of the alternatives and justification of the options would be required along with consideration of do nothing. A specific need would need to be demonstrated and that reasonable steps have been taken to minimise the impacts of a development on the protected species. The applicant has considered other alternative means of achieving the development without the creation of a new tunnel. All options would give rise to impacts to bats. The applicant considers that the test is met because there is not in their view a satisfactory alternative if a Fastrack and pedestrian/cycle link is to be created. They consider that the creation of a new tunnel would have less disturbance to bats than other options which would have involved considerable works to the existing tunnels to realign to the required profile. They consider that the northern tunnel is less used by bats and the most activity is in the southern tunnel which would be retained and enhanced. They consider that the northern tunnel needs to be infilled for public safety and to reduce the KCC maintenance burden in the longer term in relation to maintaining the northern tunnel. Closure of the tunnel could be addressed in other ways such as by fencing, bunding or blocking however this would increase the maintenance burden and would in my view have other impacts in relation to visual amenity.
102. This is also a matter of planning judgement. The proposal could not proceed without an EPSL. In the event that one is not granted because the proposal includes the infilling of the northern tunnel, it is likely that the proposal in its current form would need to be amended which would require a further application for planning permission to be made. I consider that more detailed information would need to be submitted to Natural England as part of the EPSL application at a later date and that sufficient information has been provided at this stage to demonstrate to the County Planning Authority that there is currently no satisfactory alternative to this proposal.
103. In summary, should Members decide in favour of the proposal, the applicant would need to secure an EPSL licence before the development could proceed.
104. The third test is that the appropriate authority shall not grant a licence unless they are satisfied that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
105. The Ecology Advice Service's considers that the proposed approaches to mitigation and compensation for bats would satisfy the requirements of the third test. I therefore consider

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

that the mitigation and compensation measures in relation to bats that have been proposed within the planning application are likely to be acceptable, although an EPSL application to Natural England would also need to be made.

106. Two of the neighbour objection comments received relate to biodiversity matters. First, that there is removal of some priority habitat and that the application inadequately considers the loss of habitat. The comment is that there should be an enhancement of biodiversity, not just in terms of replacement trees but in terms of the overall condition of the ecosystem.
107. National policy in the NPPF (paragraph 175) encourages the implementation of enhancements for biodiversity and encourages opportunities for biodiversity improvements around developments especially where this can secure measurable net gains for biodiversity. It also encourages (paragraph 170) policies and decisions which contribute to and enhance the natural and local environment, including minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is also reflected within policy CS14. The site is located within an indicative biodiversity opportunity area. Opportunities for enhancement are included within the application in relation to additional tree planting and replacement reed bed planting and the applicant states that net gain would be achieved via the Eastern Quarry development that links to this scheme. It should be noted that I have not received objection from the Borough Council, EDC or the County Council Ecology Advice Service in relation to the provision for enhancements and the requirements of policy CS14.
108. Secondly, a view that the works on the northern tunnel would have a significantly detrimental effect on the bat population, although mitigation is proposed to be achieved in the southern tunnel. As discussed above works on the northern tunnel would require an EPSL to be first obtained. Whilst Natural England were consulted on the proposal, they referred us to Standing Advice and our own Ecological Service advice. Whilst the infilling of the northern tunnel may impact on bat population the proposal includes mitigation and compensation which we are advised by our Ecology Service to be acceptable. I consider that mitigation and compensation matters can also be required by condition.
109. The Residents Association comment that the wildlife corridor tunnel is missing from some drawings and the applicant states that they are shown on the relevant plans. I consider that the wildlife corridor tunnel is shown to the west of the proposed tunnel, on the general arrangement plan and the proposed drainage plan and that this is sufficient.
110. In summary, I consider that the proposal in this location is necessary in order to provide connectivity required by development supported by the Local Plan policies. The proposal cannot be avoided through locating on an alternative site with less harmful impacts as the direct crossing point between Eastern Quarry and Bluewater is limited to the locations to the south of Eastern Quarry that adjoin the western edge of Bluewater. The creation of a new tunnel would require some amendments to the existing land use either side and in this case that relates to existing reed bed and water body and tree planting. That would be the case whether a new tunnel is created or the existing ones used. I consider that this element of the proposal could not be avoided if a link is to be provided between the two sites as supported by planning policies. The proposal includes mitigation and compensation and therefore also accords with national planning policy guidance and the policy requirements of DP25 and CS14 have been addressed. There have been no

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

statutory objections to the proposal on biodiversity matters. The proposal would however require the applicants to obtain an EPSL in order for the development to take place.

Drainage

111. Policies CS25, DP2, DP5 and DP11 seek to ensure that water is managed and the impacts of development on drainage are adequately considered.
112. A number of services are located in the vicinity of the tunnel including Thames Water underground water assets which would require appropriate precautionary measures to be undertaken. The applicant has confirmed that they are in discussion with Thames Water in relation to working near their assets. The proposal is also located within 15m of a strategic water main and conditions are requested by Thames Water to restrict piling works near to their equipment. The applicant does not propose piling. The works are also within 5m of a strategic water main and Thames Water request a condition to prevent such works until further information has been submitted regarding how the applicant intends to divert or realign the development so as to prevent the potential for damage to water infrastructure. The applicant has been in discussion with Thames Water in relation to development near their assets. I consider that a pre-commencement condition could be used to require this information and the applicant has agreed to such a condition.
113. With regard to surface water, prior approval would be needed to discharge to the Thames Water system, although this is not proposed by the applicant. Thames Water raise no objection to the proposal if the developer follows the sequential approach to the disposal of surface water.
114. The proposal is located within flood zone 1. The application states that the risk of flooding because of the proposal is negligible and consequently, no detailed flood risk assessment has been carried out.
115. The application states that rain falling within the Eastern Quarry would be dealt with by Eastern Quarry development systems with connections designed according to Eastern Quarry requirements by the developer there. At the tunnel portal there would be no surface water entering the tunnel other than on the bus wheels. Any water would run towards the Bluewater drainage system. Water falling on the western side of Bluewater parkway in new impermeable pavement areas and from the road connection to the tunnel would be routed to lake 4 via interceptors feeding into existing systems where the applicant states that there is sufficient capacity.
116. The application has not given rise to any adverse comments from the Environment Agency with regards to drainage matters although they advise that drainage for the tunnel must be connected to and have regard to the water management strategies for both the Bluewater and Eastern Quarry. They also advise that tunnelling activity should be undertaken in a manner not likely to create impacts on the underlying chalk aquifer having regard for the potential water abstractions in the vicinity.
117. KCC Flood and Water Management initially raised a holding objection concerning the interface of the tunnel to the wider network particularly concerning future development within Eastern Quarry, however this was subsequently withdrawn. They are now satisfied that provision will exist for connection of this proposal to the wider network, subject to conditions concerning submission and approval of a detailed sustainable surface water drainage scheme for the site to demonstrate that the surface water generated by this

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. This will also need to demonstrate (with reference to published guidance): that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters and that appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. I am satisfied that this can be required as a pre-commencement condition to ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

118. A condition is also recommended concerning submission and approval of a Verification Report pertaining to the surface water drainage system to demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved and to contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed. I am satisfied that this condition can also be used.
119. A representation comment has been made that the closure of the northern tunnel is driven by the costs of controlling potential water run-off. The applicant has clarified that the proposed infilling of the existing northern tunnel has no connection with surface water run-off and that because the ground levels would be higher within Eastern Quarry than the existing tunnel inverts, measures would be required on the Eastern Quarry side to prevent surface water run off and would be achieved by bunding.

Waste management

120. The proposal would give rise to waste arising through tunnelling and it is expected that approx. 6000m² of excavation waste from construction waste would be created from the tunnel works. No contamination is expected. The application details that waste would be expected to be used for fill material within the Eastern Quarry; for fill material within the existing northern tunnel and be taken to the Eastern Quarry recycling compound. No off-site removals are expected other than via Eastern Quarry.
121. The Environment Agency advise that any development using waste or other material for engineering works may require an Environmental Permit unless it is exempt from the need for a permit and ask that the applicant contact them to discuss permitting implications of the proposal. The applicant would be required to agree a waste recovery plan for any activity involving the recovery of waste on land as part of the permit. This can be included in an Informative.

Archaeology

122. The proposal is located in an Area of Archaeological Potential. No comments have been received from the Archaeological Service and given the location of the works I do not consider that the proposal is unacceptable in relation to these impacts.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

Landscaping

123. The proposal includes replacement planting to compensate for the loss of 23 trees comprising a total mix of 50 trees of oak, elm, birch, elder and acer trees all grown in UK, beside Lake 5 within Bluewater. A plan showing the location of the trees that would be removed and the location of replacement planting has been submitted and the applicant has confirmed that it was originally proposed to plant 30 replacement trees however this has been revised to 50 trees.
124. The Residents Association raise comments about the location of the replacement planting proposed beside Lake 5. The applicant has confirmed that the proposed location has been agreed with Bluewater and that the picnic tables and play equipment are to be retained along with access for Bluewater visitors using the walking routes around the lake. The trees would be planted with more emphasis on planting nearer the lake and in lesser used parts of the area. Given that no statutory objection has been raised to the proposed location I do not consider this to be unacceptable.
125. Transportation Planning also raised a number of points of detail for the applicant to consider relating to the proposed landscaping plan in relation to highway matters and the proposed lighting, including in relation to the amount of planting and planting environment for lavender and fern.
126. Transportation Planning consider that a thorough assessment of the function of the footway and carriageway is essential before taking the decision to plant trees and that trees should be located appropriately where they will not unduly interfere with the functions of other items of street furniture, particularly those related to safety, such as traffic signs and streetlights. In addition, they comment that trees planted within close proximity to streetlights can create areas of shadow leading to a poor lighting scheme that is potentially not to the required lighting standards. This can increase risks for road users and pedestrians. Trees can also cause damage to the lighting due to branch movement and residue deposits.
127. I consider that further landscape planting details can be required by condition to address these landscape and planting matters.
128. Dartford Borough Council also comment on the detailed design and the likelihood of creation of a desire line between the pedestrian/cycle crossing of Bluewater Parkway and the shopping centre itself via the car park which in their view may result in the erosion of the landscaped verge and pedestrians emerging between cars in the car park. The Council would request that measures are taken to deter such access or that a direct pedestrian link is provided through the car park. The Residents Association also comment in relation to this. These matters could also be addressed by the provision of further details regarding landscaping and fencing detail and the applicant has confirmed that measures would be provided to deter access across the Bluewater car parks. Furthermore, Ebbsfleet Development Corporation also recommend details of hard landscaping materials are secured by condition to ensure they accord with those identified in the Eastern Quarry Area Masterplan. In order to address soft and hard landscaping matters, I intend to request further details by condition. With the inclusion of conditions requiring further details of soft and hard landscaping, I consider that the proposal would address the requirements of policy DP2 concerning design; and DP4 concerning transport access and design.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

Lighting

129. The proposal includes lighting within the tunnel and street lighting, and as discussed in relation to biodiversity matters above, the lighting proposed needs to take account of impacts to bats.
130. Transportation Planning advise that the selected luminaires are to Bluewater specifications for the column mounted units and the tunnel lighting drawing specifies blue LED uplighters behind the cladding which are decorative and serve no highways lighting purpose. The applicant has clarified that purpose designed tunnel lighting would also be provided.
131. Transportation Planning raise a number of detailed comments about the lighting provision, connection and maintenance arrangements. The applicant requests that these detailed matters could be resolved by way of a condition which can require additional detail to be submitted for approval.
132. It is expected that these matters would be co-ordinated at the detailed design stage and further details of lighting would need to be provided. I am satisfied that these details can be required by condition along with details of lux level calculations.

Design matters and visual impact

133. The proposal is located in an area which is currently vegetated and the existing tunnels at the site to the west are well screened and within the Eastern Quarry development to the east are not currently accessible to the public and are subject to earth moving and ground level works. The removal of vegetation from the existing tunnel access and the proposed works to the existing tunnels along with the construction works to create a new tunnel would change the appearance in this area. However, this is necessary in order for the works to take place.
134. Cliff stabilisation in the vicinity of the tunnel is also provided in the form of rock netting which would cover an area approx. 11m from the tunnel portal on both directions for the whole cliff height during construction. Once construction has been completed this would be removed and a section of false tunnel or tunnel hood would be built. The proposed new tunnel entrance points to the west and east would extend further than the cliff face and there would be a tunnel canopy. This is to provide protection from any loose rock fall. A condition can be used to require further details of the false tunnel or tunnel hood and any landscaping required as a result of the proposed infilling of the northern tunnel and works to the southern tunnel portals.

Other matters

135. There has been objection to the level of consultation with the public and elected Members in Dartford. The extent of community involvement and consultation is set out in the planning application and this includes consultation pre-application discussion with the County Planning Authority, Ebbsfleet Development Corporation, Dartford Borough Council and landowners. The planning application states that there would be public engagement which is likely to be as part of a wider Fastrack roll out of the extended route. It is noted that the principal of Fastrack is included within adopted planning policy which will have been subject to public consultation and public consultation as part of the master planning of Ebbsfleet Garden City that has already happened.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

136. The planning application has been publicised by the County Planning Authority in accordance with statutory requirements and the County Council's Statement of Community Involvement relating to planning matters. This has included the Borough Council and Ebbsfleet Development Corporation. The relevant local KCC Member have also been advised of the planning application.
137. The concerns raised about the addition of the proposal within the agenda for the local Dartford joint transport board meetings, taxpayer investment and financial risk and the funding mechanism are not considered to be relevant to the decision-making process for the planning application. Concerns have also been raised about the extent of modal shift that would be achieved. There is policy support for Fastrack based on achieving a modal shift and this proposal would in my view certainly assist towards achieving that objective with a direct link into Bluewater for existing residents and for the new residents that would be located within new residential development within Eastern Quarry and who otherwise would have to drive a car if it was easier than using public transport.

Conclusion

138. This proposal seeks to provide a direct sustainable transport link between new development that is taking place within Eastern Quarry and the Bluewater regional shopping centre. It would extend the route for the existing Fastrack bus link and provide a direct link to Bluewater thus reducing the reliance on the car. It would also provide a direct cycle and pedestrian link.
139. The proposal has given rise to a variety of issues, including in relation to the impact on the highway network at Bluewater; the scheme design in relation to the provision for pedestrians, cyclists, bus transport and other means of transport and air quality. The location of the proposal means that a key consideration in relation to the impacts of the proposal is in relation to biodiversity matters and in particular in relation to the impact of the proposal to bats. The applicant would need to obtain a European Protected Species Licence from Natural England in order for the development to proceed.
140. The proposal has not attracted any statutory objections, subject to conditions requiring further details submitted as discussed above. I consider that the development has been designed to minimise the impact of the development in so far as is possible. In addition, subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the local highway network, or the amenity of local residents, and would accord with the principles of sustainable development as set out in Development Plan Policies and the NPPF. In addition, there is strong policy support for the provision of a link between Eastern Quarry and Bluewater which would enable the Fastrack scheme to be extended. Therefore, subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF.

Recommendation

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

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

- The standard 3 year time limit;
- The development be carried out in accordance with the permitted details;
- Submission and approval of details of external hard landscape materials and proposed fencing details;
- Prior to commencement, the submission and approval of a detailed sustainable surface water drainage scheme including appropriate operational, maintenance and access requirements;
- Submission and approval of a Verification Report, pertaining to the surface water drainage system to demonstrate the suitable modelled operation of the drainage system;
- Prior to commencement, submission of details to satisfactorily demonstrate the diversion of water asset to prevent the potential for damage to subsurface potable water infrastructure;
- Submission and approval of further details of the length and depth of the provision of twin 800mm diameter pipes and headwall proposed as a culvert for the Eastern Quarry where crossing the proposed access road;
- Arrangements to address any unforeseen contamination found during development;
- In the event of unforeseen contamination, arrangements to review the air quality dust impact assessment;
- Submission and approval of details of highways design improvements to be incorporated into the scheme to address minimum stagger distance, provision of raised kerbs and call forward demand;
- Ecological survey and supervision to be carried out in accordance with details as set out in the application; including measures to secure a European Protected Species Mitigation Licence from Natural England, to provide a mechanism to ensure that any mitigation/compensation is safe from foreseeable development and habitat management threats and a pre-construction bird survey;
- Submission and approval of external lighting details, including in respect of the impacts of external lighting to bats and to accord with The Institute of Lighting Professionals Bat and Artificial Lighting in the UK Guidance Note 08/18.
- Submission and approval of details of proposed landscape planting, to include native species and suitability for bee pollination where appropriate and to address the concerns raised above by the Borough Council and the Highway Authority relating to the impact upon potential desire lines and highway considerations;
- Submission and approval of details of the final profile and appearance of the existing tunnel face to the west and east of the existing tunnels and any landscaping requirements;
- Submission and approval of details of the proposed false tunnel or tunnel hood;
- Prior to commencement, submission and approval of a Construction Environment Management Plan including details in relation to mitigation of dust and air quality measures during construction;
- Prior to commencement submission and approval of a Construction Management Plan in relation operational hours during construction, to routing of construction and delivery vehicles, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities and any temporary traffic management and signage;
- Restricting piling unless a piling method statement has been submitted and approved;
- Prior to commencement, submission of a method statement which incorporates a timeline in relation to vegetation removal and considerations in relation to all protected / designated species.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

I FURTHER RECOMMEND THAT THE Applicant BE ADVISED of the following Informatives relating to:

- The need for a European Protected Species Mitigation Licence (EPSL) from Natural England to provide a mechanism to ensure that any mitigation/compensation is safe from foreseeable development and habitat management threats.
- Developer consultation with the relevant utility companies;
- Waste management advice from the Environment Agency including that in relation to contamination;
- The Environment Agency's advice regarding permitting requirements and waste transportation to and from the development;
- Drainage connection for the tunnel which have regard to the water management strategies for both the Bluewater and Eastern Quarry developments.
- Advice from the Environment Agency that the tunnelling activity should be undertaken in a manner not likely to create impacts on the underlying chalk aquifer, having regards to potential water abstractions in the vicinity.
- Advice from Thames Water concerning working near its underground waste water assets; surface and foul water drainage and piling and working in close proximity to underground strategic water main, utility infrastructure.

Case Officer: Mrs Hazel Mallett	Tel. no: 03000 411200
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Background Documents: see section heading
