

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 13th December, 2023**

**10.00 am**

**Council Chamber**







## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Wednesday, 13th December, 2023, at 10.00  
am  
Council Chamber**

Ask for: **Emily Kennedy**

Telephone: **03000419625**

#### **Membership (13)**

Conservative (10): Mr A Booth (Chairman), Mr H Rayner (Vice-Chairman),  
Mrs R Binks, Miss S Carey, Mr P Cole, Mr D Crow-Brown,  
Mr M Dendor, Mrs S Hudson, Mr O Richardson and Mr C Simkins

Labour (1): Ms J Meade

Liberal Democrat (1): Mr I S Chittenden

Green and  
Independent (1): Peter Harman

#### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

#### **A. COMMITTEE BUSINESS**

1. Substitutes
2. Declarations of Interest
3. Minutes (Pages 1 - 8)
4. Site Meetings and Other Meetings

#### **B. GENERAL MATTERS**

1. General Matters

#### **C. MINERALS AND WASTE APPLICATIONS**

## **D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL**

1. KCC/FH/0097 - FH/23/1290 - Renewal of the temporary permission for the 'Sharman Block' modular building for a further five years Birchwood PRU, Bowen Road, Folkestone, Kent CT19 4FP (Pages 9 - 22)

## **E. MATTERS DEALT WITH UNDER DELEGATED POWERS**

1. County matter applications (Pages 23 - 24)
2. County Council developments (Pages 25 - 28)
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 29 - 30)
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 31 - 32)

## **F. KCC RESPONSE TO CONSULTATIONS**

1. F1 - Consultation on the proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making (Pages 35 - 50)  
KCC response to the Department for Levelling Up, Housing and Communities on the above.
2. F2 - Consultation on planning application EDC/22/0168 - Ebbsfleet Central East, land adjacent To Ebbsfleet International Railway Station, Thames Way, Ebbsfleet (Pages 51 - 56)  
KCC response to the Ebbsfleet Development Corporation on the above.
3. F3 - Consultation on planning application 2022/1064 - Proposed development at Land Surrounding Ebbsfleet United Football Club (Pages 57 - 166)  
KCC response to Gravesham Borough Council on the above.
4. F4 - Consultation on the Maidstone Local Plan Review Main Modifications (Pages 167 - 218)  
KCC response to Maidstone Borough Council on the above.
5. F5 - Consultation on the Medway Local Plan (Pages 219 - 234)  
KCC response to Medway Council on the above.
6. F6 - Consultation on the Capel Neighbourhood Plan (Pages 235 - 242)  
KCC response to Tunbridge Wells Borough Council on the above.
7. F7 - Consultation on the Faversham Neighbourhood Plan (Pages 243 - 252)  
KCC response to Swale Borough Council on the above.
8. F8 - Consultation on the Tenterden Local Plan (Pages 253 - 260)  
KCC response to Ashford Borough Council on the above

**G. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

**EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Benjamin Watts  
General Counsel  
03000 416814

Tuesday, 5 December 2023

*(Please note that the draft conditions and background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report.)*

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**KENT COUNTY COUNCIL****PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber on Wednesday, 27 September 2023.

PRESENT: Mr A Booth (Chairman), Mr H Rayner (Vice-Chairman), Mrs R Binks, Mr I S Chittenden, Mr P Cole, Mr D Crow-Brown, Peter Harman, Mrs S Hudson, Ms J Meade, Mr O Richardson and Mr C Simkins

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications) and Ms M Green (Principal Planning Officer), Mrs C Miles (Planning Officer) and Ms E Kennedy (Clerk)

**UNRESTRICTED ITEMS****1. Apologies**

*(Item )*

Apologies were received from Mr Dendor.

**2. Minutes from the meeting on 15 March 2023**

*(Item A3)*

RESOLVED that the minutes of the meeting held on 15 March 2023 were correctly recorded and that they be signed by the Chairman. It was noted that pages missing from the agenda pack (15 March 2023) at F12 were included as an addendum to the minutes.

**3. General Matters**

*(Item B1)*

Mrs Thompson gave Members an update regarding upcoming planning reforms. She said that The Levelling Up and Regeneration Bill which proposed significant changes to local plan making and the determination of planning applications including changes to the NPPF had reached the 3<sup>rd</sup> Reading Stage in the parliamentary process. It was expected to be given Royal Assent in late 2023. A number of new clauses had been added during the Lords' debate. The requirement in the Environment Act 2021 to implement Biodiversity Net Gain from November 2023 was delayed until early 2024, pending enabling guidance. Changes to the NPPF in respect of onshore wind had recently been published, but wider changes to the NPPF were still awaited. The government was consulting on plan making reforms which sought for plans to be delivered within 30 months, whilst making them simpler to understand and use, shaped by communities and making best use of new digital technology.

It was agreed that bitesize training programme would be developed for Members of the Committee.

**4. D1 - Retrospective planning application for an 'accessible to all' path around Teston Bridge Country Park, including resurfacing and widening of an**

**existing path linking the river path to the car park and play area, and installation of a new path parallel to the carpark edge linking it to the bridge at Teston Bridge Country Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/23/502687(KCC/MA/0090/2023)**

*(Item D1)*

- 1) Mary Green, Principal Planning Officer outlined the report.
- 2) Mr Peter Coulling (Teston Parish Council) addressed the Committee in opposition to the application. Mr Dan Gooch (KCC) spoke in reply as the applicant.
- 3) Chloe Miles, Planning Officer, read out a statement received from the Local Member, Mr Webb.
- 4) It was proposed by the Chairman and seconded by Mrs Binks:

That the officer's recommendation be adopted, namely:

That PERMISSION BE GRANTED with the following informatives:

*1) The applicant be advised that it discusses with the Planning Authority any future development proposals in advance of development taking place, so as to be informed on the need for planning permission and to avoid the need for retrospective planning applications.*

*2) The applicant to draw the Environment Agency's attention to the concerns of this Committee, Teston Parish Council and the local Member regarding the potential long term retention of the temporary roadway provided to facilitate the Teston Sluice works and the need to ensure its removal at the earliest possible date. The Environment Agency to be asked to engage with the Parish Council and the local Member regarding the timescale for removal and reinstatement of the land.*

- 5) Further to questions and debate, the motion was put to the vote and declared CARRIED.

**5. D2 - Retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)**

*(Item D2)*

- 1) Mary Green, Principal Planning Officer outlined the report.
- 2) Mr Peter Coulling (Teston Parish Council) addressed the Committee in opposition to the application. Mr Dan Gooch (KCC) spoke in reply as the applicant.
- 3) It was proposed by the Chairman and seconded by Ms Meade:

THAT the officer's recommendation be adopted, namely:

That PERMISSION BE GRANTED subject to the following conditions:



1) *Landscaping scheme to be implemented as shown on the submitted drawings within the first available planting season and thereafter maintained;*

2) *Retention and maintenance of planting both within and to the boundaries of the overflow car park. Any trees that are diseased or felled shall be replaced within the next planting season with native species to be agreed with the county planning authority.*

And with the following informative:

1) *The applicant be advised that it discusses with the Planning Authority any future development proposals in advance of development taking place, so as to be informed on the need for planning permission and to avoid the need for retrospective planning applications.*

5) Further to questions and debate, the motion was put to the vote and declared CARRIED.

## **6. E1 - County matter applications**

*(Item E1)*

RESOLVED to note matters dealt with under delegated powers since the meeting on 15 March 2023 relating to:

E1 County matter applications.

## **7. E2 - County Council developments**

*(Item E2)*

RESOLVED to note matters dealt with under delegated powers since the meeting on 15 March 2023 relating to:

E2 County Council developments.

## **8. E3 - Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

*(Item E3)*

RESOLVED to note matters dealt with under delegated powers since the meeting on 15 March 2023 relating to:

E3 - Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

## **9. E4 - Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

*(Item E4)*

RESOLVED to note matters dealt with under delegated powers since the meeting on 15 March 2023 relating to:

Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

**10. F1 Application TM/23/01418/EASP - Request for an EIA Scoping Opinion at Development Site Land East of Kiln Barn Road and West of Hermitage Lane, Aylesford Kent**

*(Item F1)*

RESOLVED to note Kent County Council's response to TM/23/01418/EASP - Request for an EIA Scoping Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as Amended) - Development Site Land East Of Kiln Barn Road And West Of Hermitage Lane, Aylesford, Kent.

**11. F2 Application 21/02146/AS - Land at Eureka Business Park, Trinity Road, Boughton Aluph, Kent**

*(Item F2)*

RESOLVED to note Kent County Council's response to 21/02146/AS -Outline planning application for the development of up to 375 dwellings, up to 34,869m<sup>2</sup> commercial floorspace (comprising 31,269m<sup>2</sup> of class E(g)(i) and E(g)(ii) and 3,600m<sup>2</sup> of flexible Class E floorspace), open space, and associated infrastructure including a Wastewater Treatment Plant with all matters reserved for future consideration aside from access (excluding internal circulation) - Land at Eureka Business Park, Trinity Road, Boughton Aluph, Kent.

**12. F3 Levelling up and Regeneration Bill: Reforms to National Planning Policy Consultation**

*(Item F3)*

RESOLVED to note Kent County Council's response to Levelling up and Regeneration Bill: Reforms to National Planning Policy.

**13. F4 Examination (Stage 2) of the Maidstone Borough Council (MBC) Local Plan Review**

*(Item F4)*

RESOLVED to note Kent County Council's written statement to the Examination (Stage 2) of the Maidstone Borough Council Local Plan Review.

**14. F5 Thanington Neighbourhood Plan Consultation**

*(Item F5)*

RESOLVED to note Kent County Council's response to Dover District Local Plan 2040 – Sustainability Appraisal Consultation.

**15. F6 Application Y19/0257/FH - Otterpool Park Development Ashford Road Sellindge Kent**

*(Item F6)*

RESOLVED to note Kent County Council's response to the Otterpool Park Development Ashford Road Sellindge Kent (Ref: Y19/0257/ FH) - outline application with all matters reserved.

**16. F7 Broadstairs & St Peter's Neighbourhood Plan 2nd Edition Reg 16 Consultation**  
(Item F7)

RESOLVED to note Kent County Council's response to Broadstairs and St Peter's Neighbourhood Plan Review 2nd Edition - Regulation 16 Consultation.

**17. F8 Winterbourne Fields, Dunkirk Scoping Opinion**  
(Item F8)

RESOLVED to note Kent County Council's response to EIA Scoping Opinion for a proposed development at Winterbourne Fields, Dunkirk, Kent (Ref: 23/501071/EIASCO).

**18. F9 Application TW/23/00086 - Land west of Queen St, Paddock Wood**  
(Item F9)

RESOLVED to note Kent County Council's response to Hybrid application with appearance, landscaping, layout and scale reserved for a proposed development at Land West of Queen Street and Mile Oak Road, Paddock Wood, Tonbridge, Kent [application reference: 23/00086/HYBRID].

**19. F10 Application 23/00091/FULL - Land West of Queen Street, Paddock Wood**  
(Item F10)

RESOLVED to note Kent County Council's response to full application for a proposed development at Land West of Queen Street, Paddock Wood, Tonbridge, Kent [application reference: 23/00091/FULL]

**20. F11 Application 23/00118/HYBRID - Land West of Queen Street, Paddock Wood**  
(Item F11)

RESOLVED to note Kent County Council's response to hybrid application with appearance, landscaping, layout and scale reserved for a proposed development at Land West of Queen Street, Paddock Wood, Tonbridge, Kent [application reference: 23/00118/HYBRID].

**21. F12 Maidstone Borough Council Gypsy, Traveller and Travelling Showpeople Development Plan Document**  
(Item F12)

RESOLVED to note Kent County Council's response to Maidstone Borough Council Gypsy, Traveller and Travelling Showpeople Development Plan Document.

**22. F13 High Halstow Neighbourhood Plan Regulation 16 Consultation**  
(Item F13)

RESOLVED to note Kent County Council's response to High Halstow Neighbourhood Plan - Regulation 16 Consultation.

**23. F14 Arches Chatham Neighbourhood Plan Regulation 16 Consultation**  
(Item F14)

RESOLVED to note Kent County Council's response to Arches Chatham Neighbourhood Plan - Regulation 16 Consultation.

**24. F15 Capel Parish Neighbourhood Plan Reg 14 Consultation**  
(Item F15)

RESOLVED to note Kent County Council's response to Capel Parish Neighbourhood Plan (2022-2038) - Regulation 14 Consultation.

**25. F16 Technical Consultation on the Infrastructure Levy**  
(Item F16)

RESOLVED to note Kent County Council's response to Technical Consultation on the Infrastructure Levy.

**26. F17 Environmental Outcomes Report**  
(Item F17)

RESOLVED to note Kent County Council's response to the Environmental Outcomes Report.

**27. F18 Maidstone Design and Sustainability Reg 18 Consultation**  
(Item F18)

RESOLVED to note Kent County Council's response to Maidstone Borough Council Design and Sustainability Development Plan Document – Preferred Approaches Regulation 18 Consultation.

**28. F19 Bridge Neighbourhood Plan Reg 16 Consultation**  
(Item F19)

RESOLVED to note Kent County Council's response to Bridge Neighbourhood Plan (2022-2037) Regulation 16 Consultation.

**29. F20 District Local Plan - Sustainability Appraisal Consultation**  
(Item F20)

RESOLVED to note Kent County Council's response to Dover District Local Plan 2040 – Sustainability Appraisal Consultation.

**30. F21 Aldington and Bonnington Reg 14 Consultation**  
(Item F21)

RESOLVED to note Kent County Council's response to Aldington and Bonnington Draft Neighbourhood Plan – Regulation 14 Consultation.

**31. F22 Application OL/TH/23/0685 – Land on north-east side of Nash Rd, Margate**  
*(Item F22)*

RESOLVED to note Kent County Council's response to an outline application with all matters reserved except access for a proposed development at Land on the North East Side of Nash Road, Margate, Kent [Planning Application reference: OL/TH/23/0685].

**32. F23 Informal Consultation on the Maidstone Borough Council Town Centre Strategy**  
*(Item F23)*

RESOLVED to note Kent County Council's response to the Informal Consultation on the Maidstone Borough Council Town Centre Strategy.

**33. F24 Headcorn Neighbourhood Plan Regulation 14 Consultation**  
*(Item F24)*

RESOLVED to note Kent County Council's response to the Headcorn Parish Neighbourhood Plan (2022-2038) - Regulation 14 Consultation.

**34. F25 Fawkham Neighbourhood Plan Regulation 14 Consultation**  
*(Item F25)*

RESOLVED to note Kent County Council's response to the Fawkham Parish Neighbourhood Plan - Regulation 14 Consultation.

**35. F26 - KCC Response to Ashford BC - Pluckley Neighbourhood Plan Review Reg 16 Consultation**  
*(Item F26)*

RESOLVED to note Kent County Council's response to Pluckley Neighbourhood Plan Review (2016-2031) - Regulation 16 Consultation.

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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

### **Renewal of temporary permission for the ‘Sharman Block’ modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

A report by Head of Planning Applications Group to Planning Applications Committee on 13<sup>th</sup> December 2023.

Application by Kent County Council Property and Infrastructure for the renewal of the temporary permission for the ‘Sharman Block’ modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Dylan Jeffrey

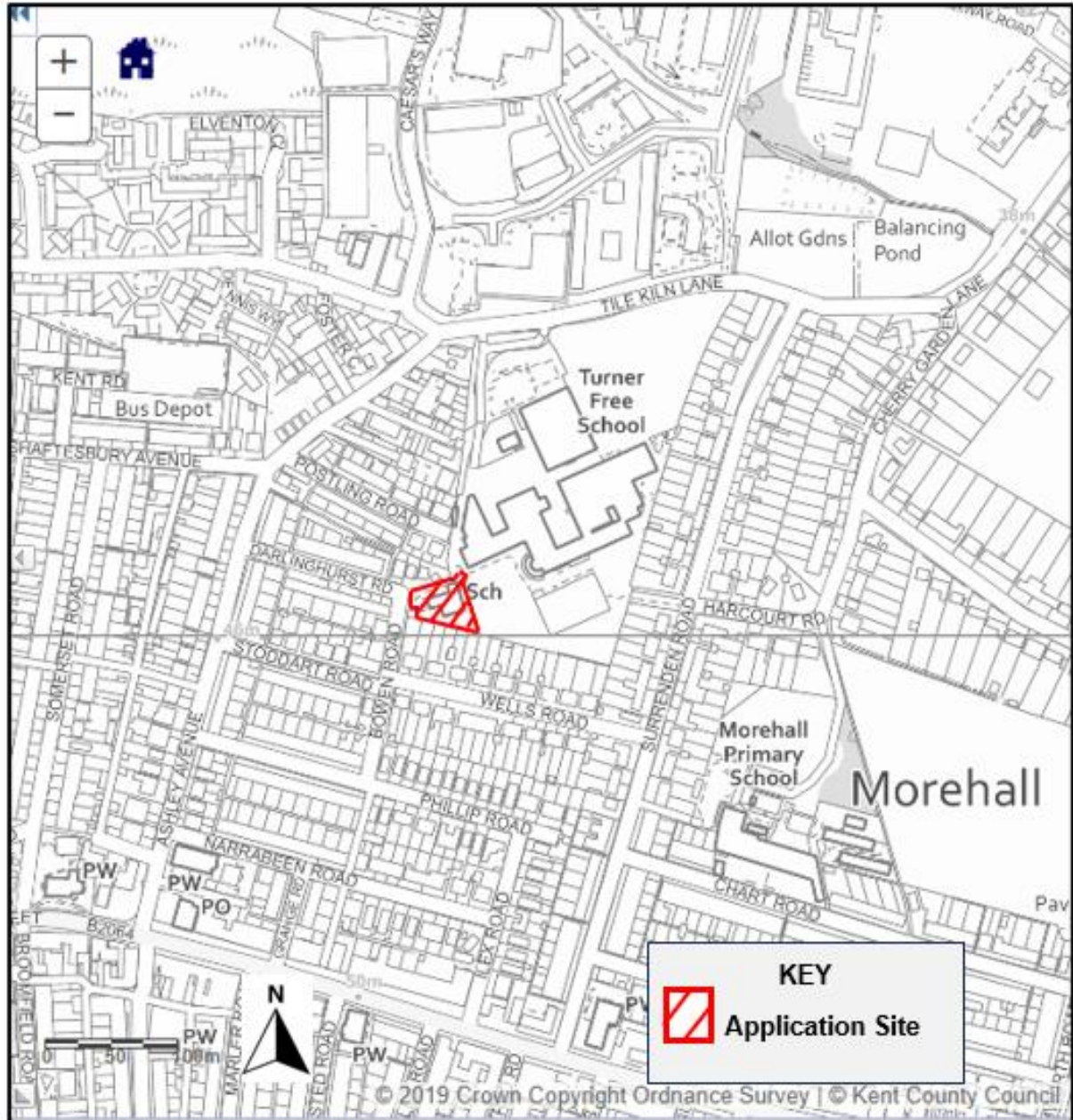
Classification: Unrestricted

#### **Site**

1. Birchwood Pupil Referral Unit (PRU) is located immediately to the south west of the Turner Free School in Folkestone. The PRU is located within the northern part of the town of Folkestone and lies within a residential area between the B2064 Cheriton Road to the south and the M20 to the north. The Unit sits on a larger educational site, shared with the Turner Free School, however it is self-contained with it’s own access. Access to the PRU by vehicles, is from Postling Road to the west (via the staff car park) or for pedestrians, via an access gate on Bowen Road.
2. Birchwood PRU is located within a modular building known as the ‘Sharman Block’ which shares a boundary with the rear gardens of properties in Wells Road to the south and has a short frontage onto Bowen Road to the west. The boundaries of the PRU are formed by a combination of 2.2 and 2.4m high fencing in galvanised steel, and some older timber fencing (overgrown with shrubs in some places). Directly adjacent to the PRU (to the south west) is an electricity substation enclosed by green wire mesh fencing. The modular building is single storey with a monopitch roof, with white walls and black doors. Footpaths surround most of the building and there are several ramped or stepped access points with black handrails.
3. Bowen Road is a narrow road (5m wide) which links into Darlinghurst Road at the point where the school has its boundary. The junction is formed by a sharp left-hand bend when viewed from Bowen Road. There are no road markings in Bowen Road or Darlinghurst Road, therefore on street parking occurs on both streets, and a number of houses have created off street parking on what would have originally been front gardens.

**Renewal of temporary permission for the 'Sharman Block' modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

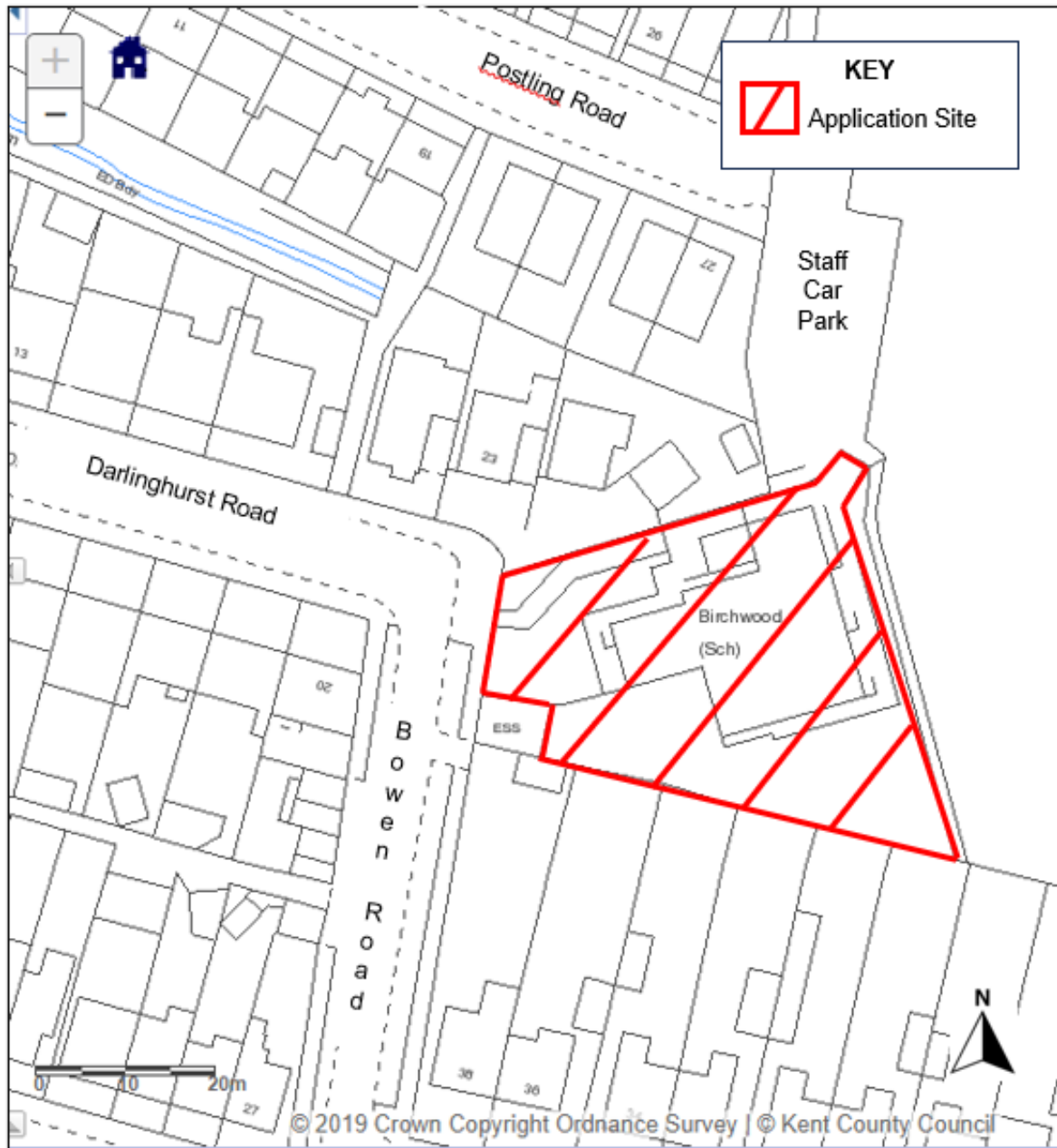
Location Plan





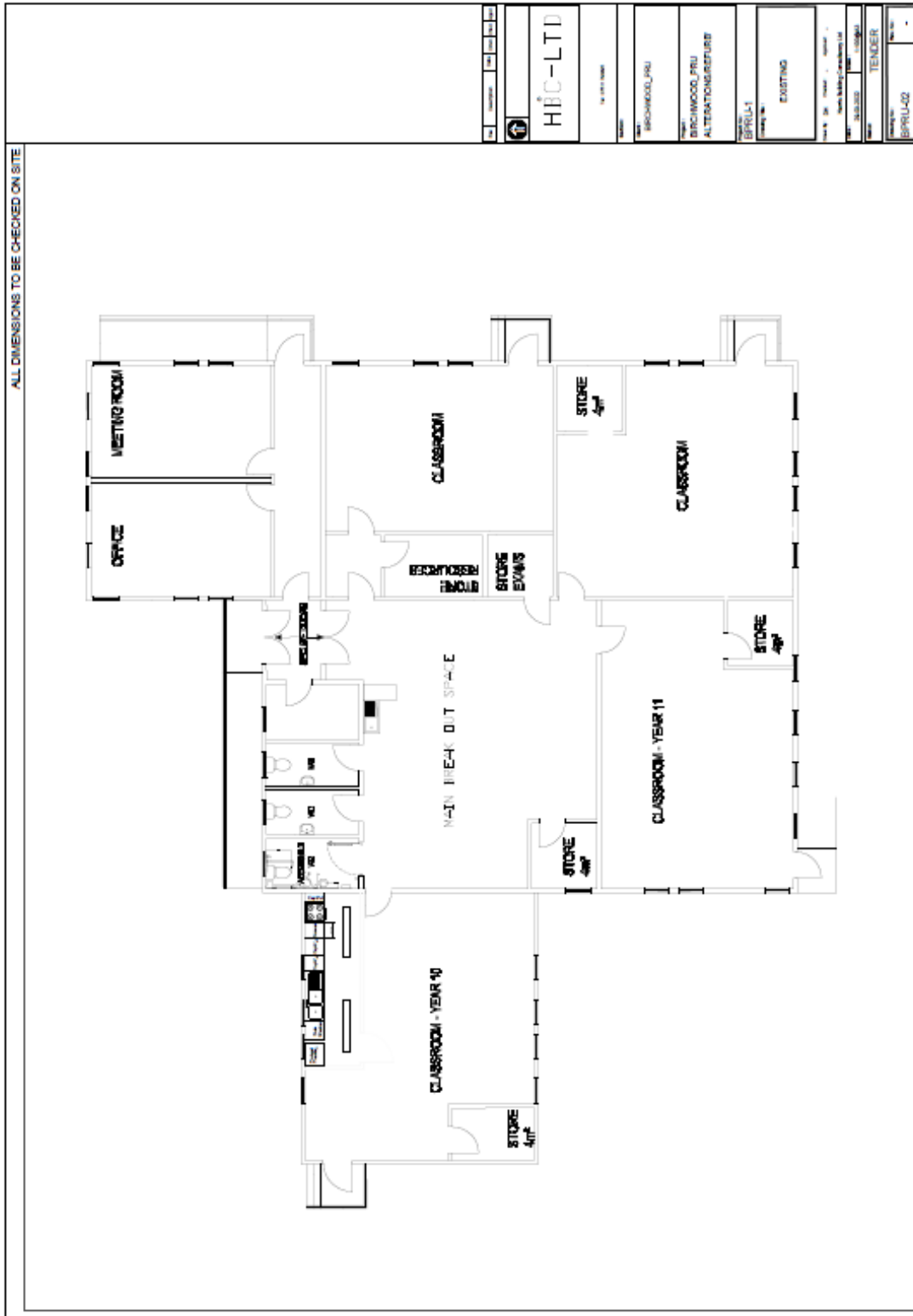
**Renewal of temporary permission for the 'Sharman Block' modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

Site Plan



**Renewal of temporary permission for the 'Sharman Block' modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

Internal Layout



**Renewal of temporary permission for the 'Sharman Block' modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

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**Photographs**

**View from pedestrian entrance (looking East)**



**View looking North**



**Renewal of temporary permission for the ‘Sharman Block’ modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

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4. With respect to aspect, the land falls away noticeably from south to north such that the houses in Darlinghurst Road and the PRU are at a lower level than the road and footpath. There is a grass verge and footpath on both sides of Bowen Road, which is wider in front of the PRU boundary.

**Recent Site History**

5. There have been a number of planning applications on this site:

SH/98/0966 for the siting of a new classroom block to replace the existing humanities block after demolition, granted permission until 31 December 2004.

SH/05/1327 for the renewal of planning permission with respect of a mobile classroom unit used as humanities teaching block, granted permission in November 2005 until November 2010.

SH/18/61 for the renewal of the temporary permission for the ‘Sharman Block’ modular building, erection of a 2.4 metre high fence and gates to separate it from the rest of the former Pent Valley College, construction of a 1.8 metre wide access path to a new 2.2 metre high gate onto Bowen Road, and erection of a 2.2 metre high fence between the building and the electric substation. This permission was fully implemented with the fence and access now in place.

**Proposal and Background**

6. This application seeks to renew the temporary permission for the modular building that houses the Birchwood PRU known as the ‘Sharman Block’ which was first installed on site in 1999. The most recent temporary permission for the building expired in March 2023 and this application seeks permission for a new temporary consent for 5 years for the proposed continued education use.
7. Birchwood is the PRU for Folkestone and Hythe District schools. The Unit discharges KCC’s duty under the Education Act (1996) to ensure there is suitable alternative education for children of statutory school age who cannot attend school because of illness, exclusion, or other reasons. At Birchwood, many of the existing pupils need the additional support that the school can offer to enable them to regulate their emotions and behaviour. The PRU relocated to the current site in 2018. Previously, it was housed in a commercial building in a parade of shops in Folkestone, leased by KCC. That building was across three floors, did not have any outside space and was an unsuitable environment to support the pupils needs. The decision by the DfE to open the Turner Free School in new buildings on the site of the former Pent Valley College gave KCC the opportunity to relocate Birchwood PRU into the Sharman Block on the former Pent Valley site. This site was ringfenced out of the land leased to the Turner Free School and gave the PRU pupils and staff an improved facility containing dedicated classroom spaces, intervention rooms and offices. In addition, there is access to a dedicated and enclosed external space.

**Renewal of temporary permission for the ‘Sharman Block’ modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

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8. The modular building was fully refurbished 5 years ago and included a new roof covering, external cladding, new fencing and landscaping. Internally the building works included new efficient LED lighting, air conditioning, installation of a new kitchen as well as external landscaping. The school have spent significant funds on this maintenance and improvement. The previous permission (SH/18/61) included the erection of a 2.4 metre high fence and gates to separate the unit from the rest of the school site, construction of a 1.8 metre wide access path to a new 2.2 metre high pedestrian access gate onto Bowen Road, and erection of a 2.2 metre high fence between the building and the electric substation. Those elements of the development received a permanent consent, so this application is solely seeking a further temporary permission for the continued retention of the modular building.

**Need and Educational Use**

9. The applicant has investigated alternative suitable surplus buildings in the locality which could be used to provide permanent accommodation for this provision. KCC does not have the resources to replace the current temporary buildings with permanent accommodation on this site. Consideration continues to be given to alternative locations as KCC’s estates needs change, however the applicant has confirmed that they have not been able to identify any suitable alternative facilities in the district at present. Hence, an extension of the temporary planning permission is requested so that the PRU can remain in operation and continue to provide the existing and future pupils the support that they require and enable KCC to meet its statutory duty.
10. The PRU is registered to support 45 pupils with a range of behavioural needs. The pupils are on individual timetables and there are never more than 24 pupils on site at any one time, with these children attending for a whole day. Staff numbers have remained consistent at 11 members of staff and would remain the same. Pupils have access to an external recreational space outside the building but within the fenced area. Pupils are supervised during the use of this space. Pupils arrive on foot and access the site via the dedicated pedestrian entrance off Bowen Road. Staff who arrive by car access the car park located just to the north of the site that is accessed via Postling Road and enter the PRU from within this car park. These current operational arrangements would continue.

**Planning Policy**

11. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:
- (i) **National Planning Policy Framework (NPPF)** (Sept. 2023) and the **National Planning Policy Guidance** (March 2014), set out the Government’s planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

**Renewal of temporary permission for the ‘Sharman Block’ modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

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In determining applications, the NPPF states that local planning authorities should look for solutions rather than problems, 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:

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- The great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools.

A recent update to the NPPF was published in September 2023 but the section relating to the delivery of school facilities remains largely unchanged with similarly worded text regarding the need to ensure sufficient choice of school places to meet the needs of existing and new communities. This section notes the importance of this choice and variety to meet current and any new need. Local planning authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education. Paragraph 123 refers to the need for planning authorities to make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

- (ii) **Policy Statement – Planning for Schools Development** (Aug. 2011) which sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. In particular the Policy states that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity of provision in the state funded school sector, to meet both demographic needs, provide increased choice and create higher standards.
- (iii) **Folkestone & Hythe District Council Core Strategy Review** (March 2022) sets out the spatial vision, objectives, development strategy and a series of over-arching strategic policies that will guide the scale, location and type of development in the district until 2037.

**Strategic Need C:** The challenge to improve the quality of life and sense of place, vibrancy, and social mix in neighbourhoods, particularly where this minimises disparities.

**Strategic Need D:** The challenge to plan for strategic development which fosters high quality place-making with an emphasis on sustainable movement, buildings, and green spaces. Including providing a balanced mix of community facilities.

**Policy SS1:** District Spatial Strategy: Development of housing alongside community uses.

**Renewal of temporary permission for the ‘Sharman Block’ modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

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**Policy SS3:** Place-Shaping and Sustainable Settlements Strategy. Focus on sustainable development. Development should be suited to the locality and its needs. Development must address social and economic needs in the neighbourhood and not result in the loss of community, cultural, voluntary or social facilities (unless it has been demonstrated that there is no longer a need or alternative social/community facilities are made available in a suitable location)

**Policy CSD6:** Central Folkestone – Development including a mix of educational uses.

- (iv) **Folkestone and Hythe Places and Policies Local Plan (2020)** The Places and Policies Local Plan identifies small and medium sized sites for development across the district to meet the targets in the Core Strategy; as well as setting out detailed development management policies to assess planning applications.

**Policy C2:** Safeguarding Community facilities. Consideration of proposals leading to the loss of community facilities, including the need and suitable alternatives accessible to the local community

**Policy HB1:** Quality Places Through Design. Consideration of the positive contribution of proposals in the locality (in relation to existing land uses and scale, amongst other matters) balanced against impacts (including amenity, amongst other matters).

**Policy CC2:** Sustainable Design and Construction. Consideration of sustainable design measures including BREEAM (improving environmental performance of buildings), energy, landscape, accessibility, and sustainable drainage, amongst other matters.

### **Consultations**

12. **Folkestone & Hythe District Council** raise no objection to the application and comment that the modular building has a limited impact on the street scene being shielded from view by existing boundary treatment and other surrounding development. They noted that whilst a more permanent structure would be preferable, they have no objection to a further temporary permission being granted, for a further 5 year period.

**Folkestone Town Council** state that they have no comments to make.

**Kent County Council Transportation Planning** raise no objection to the application.

### **Local Member**

13. The local County Member, Mr Dylan Jeffrey, was notified of the application on 10<sup>th</sup> August 2023. No comments have been received to date.

### **Publicity**

14. The application was publicised by the posting of two site notices, one on the fence by the pedestrian access gate on Bowen Road and one at the vehicle entrance / car park on Postling Road.

**Renewal of temporary permission for the ‘Sharman Block’ modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

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**Representations**

15. In response to the publicity, two letters of representation have been received, from the same local resident. The material planning considerations raised can be summarised as follows:
- The PRU is situated far too close to residential properties.
  - It has caused much pain and suffering to residents in the last five years.
  - The children attending this unit are rude, disruptive and extremely intimidating with extensive use of bad language.
  - Damage occurs to the furniture, windows and doors of the facility by users and the police are regular visitors.
  - We are unable to sit in our garden during term time due to language and noise emitting from over the fence.
  - The children constantly leave rubbish outside the school (PRU) and constantly rip the foliage from the fences.
  - The coming and going of cars, often parked across my driveway, is dangerous and an accident waiting to happen.
  - This PRU needs to be relocated to a more suitable area.

**Discussion**

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 11 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.
17. This application is being reported for determination by the Planning Applications Committee due to the objections received from a local resident. In my opinion, the key material planning considerations in this particular case are the principle of retaining this temporary building for an education use for a period of five years, and the visual and amenity impact of this retention. Consideration of the highway amenity impact will also be provided.

**Principle of the Development and Need**

18. Permission is sought for the retention of the ‘Sharman Block’ that has been sited within the south western corner of the Turner Free School site (formerly Pent Valley College) grounds since 1999. This land has an established education use, albeit only with on-going temporary permissions. Since the last permission was granted following an application in 1997, significant internal and external improvements to the building were made that included air conditioning, a new kitchen along with a new roof covering, external cladding, new fencing and landscaping.
19. The most recent permission expired in March of this year, and the applicants submitted a planning application to renew this permission. The current application seeks



**Renewal of temporary permission for the ‘Sharman Block’ modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

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permission for a further 5 year consent to retain the facility. The applicant has advised that there is a continued need in the Folkestone and Hythe area to provide this facility that supports local children with behavioural needs. It is acknowledged that there is national and local planning policy for a variety of educational uses to meet the needs of the existing and future population. It is also noted that the County Council has a statutory duty to provide a range of facilities within the education sector to meet local needs. The NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Planning Policy Statement for Schools (2011) puts great emphasis on providing a diverse range of facilities within the state funded school sector and the use of the Sharman Block for this facility would comply with this aim and meet the need for such places within this geographical area.

20. The applicant has investigated and continues to investigate alternative facilities within the local area to meet this need. At present, no other facilities are available locally that can provide an indoor and outdoor space suitable. In this case, it is considered that a need for a further 5 year temporary permission has been demonstrated, and that no alternative accommodation options are available at this time. A 5 year temporary permission would be appropriate and would allow the applicant time to continue to investigate alternative solutions. I am therefore satisfied that the development is acceptable in principle given the established use of the site and the case of need for the PRU facility.

**Visual and Local Amenity Impact**

21. Consideration should be given to the ongoing visual impact of the building and the local amenity impact of the retention. Although no consultees have raised objection, the District Council considered the visual impact of the building and noted that it would have a limited visual impact on the street scene. The PRU modular building is self contained and bounded by a 2.2m high steel palisade fencing enclosing the grounds, along with some parts that are 2.4 metres in height. The fence was erected following the last renewal of permission when it was considered at Planning Committee in March 2018. There is existing landscaping around the majority of the site in the form of hedging and trees. The recent improvements to the exterior of the building give it a refreshed appearance, albeit being a temporary building. It is well screened from neighbouring properties and, due to it being set at a lower level than the adjacent road and housing, is not visually intrusive. Photographs within this report show the facility and the setting with fencing and landscaping. I am satisfied that the retention of the building, along with recent improvements and existing landscaping, would offer no overriding detrimental impact to visual amenity.
22. As noted above, concerns have been raised by a local resident in relation to the amenity impact of the retention of the facility, and the impact of noise, disturbance, rubbish and bad language. The educational use, (albeit temporary) has been established, and it is also noted that given the very limited scale of the use it is considered that any noise and disturbance would be minimal and unlikely to create a level of noise and disturbance which would be considered unacceptable. Alongside this, the applicant has advised that pupils who attend the facility are welcomed at the gate at the start of the day, are supervised throughout the day (inside and outside the building) and are monitored when they leave. The school has an agreed behaviour policy and children are aware of the

**Renewal of temporary permission for the ‘Sharman Block’ modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

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expectations of behaviour. The local resident has raised concerns regarding a police presence at the PRU, however the applicant has advised that the police are regularly invited to attend in order to build rapport with pupils, support their education and foster positive future relationships with pupils. The Head Teacher is amenable to discussing concerns raised from those in the locality and has met with residents on occasions. It can be concluded that, given the scale of the proposal, that the amenity impacts of the proposal would not override the need for the ongoing use.

**Traffic Impact**

23. No highway objection has been received from Highways and Transportation, however consideration of the amenity concerns raised with respect to parking in the vicinity of the site needs to be undertaken. This facility would *only* serve 24 pupils at any one time, as at present (and on the majority of occasions this number would be lower) and as such it's use would be very small in scale. Staff numbers remain unchanged, and staff have off street parking available in the car park accessed from Postling Road. The applicant has advised that most pupils arrive for the whole day and therefore there would be minimal toing and froing throughout the day. With respect to inconsiderate parking, it is not possible to determine if any users of the facility are parking inconsiderately, however the Head Teacher has advised that they regular remind users to park with consideration of local residents. It is also noted that there are no parking restrictions within the immediate vicinity. In addition, the school is well served by public transport, and I understand that many pupils arrive using this method of transport. Given the low pupil numbers and use of a staff car park (as at present), I am satisfied that this proposal would not generate an increase in traffic on the surrounding road network that it could be classified as having an adverse impact and would not warrant a refusal on amenity grounds.

**Conclusion**

24. This application proposes the renewal of the temporary permission for the modular building that houses the Birchwood PRU known as the ‘Sharman Block’ for a new temporary consent for 5 years for the proposed continued education use. The applicant has demonstrated an ongoing need in the Folkestone & Hythe area for a facility to support children with behavioural needs. The applicant has investigated alternative facilities within the local area to meet this need and at present no other facilities are available locally that can provide an indoor and outdoor suitable space. Existing staff and pupil numbers would remain the same, with access to the site by pupils on foot via a pedestrian gate on Bowen Road and staff vehicle access via a private car park off Postling Road. The site is enclosed, bounded by metal fencing, landscaping and some close boarded fencing and sits on land (that lies slightly lower) to the south west of the Turner Free School.
25. I am satisfied that the applicant has demonstrated a case of need to warrant the retention of the modular building for a further five years and that the development would not have an overriding adverse impact on visual and local amenity and traffic. The development is in accordance with the general aims and objectives of the relevant Development Plan Policies in place and the principles of the National Planning Policy Framework and furthermore the Planning Policy Statement for Schools (2011) which

**Renewal of temporary permission for the ‘Sharman Block’ modular building for a further five years, at Birchwood Pupil Referral Unit, Bowen Road, Folkestone, Kent, CT19 4FP – FH/23/1290 (KCC/FH/0097/2023)**

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promotes the importance of providing a range of educational facilities and therefore the recommendation is that planning permission be granted for a five year temporary period. The situation would be reviewed after that time.

**Recommendation**

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

- The Sharman Block shall be removed from the site on or before the 31<sup>st</sup> December 2028 and the land reinstated to its former use as part of the secondary school grounds;
- The development to be carried out in accordance with the permitted details.

Case Officer: Caroline Maclean
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Tel. no: 03000 416348
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Background Documents: see section heading
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT  
PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS -  
MEMBERS' INFORMATION**

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Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

**Background Documents** - The deposited documents.

GR/23/928	Proposed Control Kiosk. Gravesend Wastewater Treatment Works (WTW), Dering Way, Denton, Gravesend, Kent DA12 2QF Decision: Permitted
SE/23/2696	Section 73 application for the temporary relaxation of condition 13 of planning permission SE/90/1302 to permit the operation of the Waste Transfer Station on 1 January 2024 (New Years Day), 29 March 2024 (Good Friday), 1 April 2024 (Easter Monday), 6 May 2024 (Early May Bank Holiday), 27 May 2024 (Spring Bank Holiday) and 26 August 2024 (Summer Bank Holiday) to support the local kerbside waste collection service over this period Dunbrik Waste Transfer Station, Main Road, Sundridge, Sevenoaks, Kent TN14 6EP Decision: Permitted
SW/22/505751/R30	Details of a simple reptile receptor site management plan pursuant to Condition 30 of planning permission SW/22/505751. Land to the South of the A2 (Hempstead House) and East of Panteny Lane, Bapchild, Sittingbourne, Kent Decision: Approved
TH/23/986	Installation of 4 single storey temporary Portakabin buildings for a period of three years to provide necessary welfare facilities for employees. Manston Road Depot, Manston Road, Margate, Kent, CT9 4LX Decision: Permitted
TM/17/1336/R22	Details of a Management Scheme for the aftercare period pursuant to Condition 22 of planning permission TM/17/1336 Wrotham Quarry, Addington, West Malling, Kent ME19 5DL Decision: Approved
TM/20/841/RVAR	Details of a scheme of landscaping and maintenance for the interim restoration phase of the development (Condition 29), details of an updated habitat establishment and management plan (Condition 31) and details of a 10-year aftercare programme for the interim and final phases of the restoration work (Condition 32) pursuant to planning permission TM/20/841 Wrotham Quarry, Addington, West Malling, Kent ME19 5DL Decision: Approved

TM/21/1007/R

Non-material amendment to planning application TM/21/1007 for the reconfiguration of the asphalt plant to increase the number of hot storage bins from 2 to 4; to increase the number of aggregate cold feeds from 4 to 8; to relocate the bitumen tanks and position the tanks horizontally rather than vertically; addition of an imported filler silo; and the addition of a Stone Mastic Asphalt Additive System.

East Peckham Rail Depot, Hale Street, East Peckham, Tonbridge, Kent TN12 5HL

Decision: Approved

**E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS  
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS  
MEMBERS' INFORMATION**

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Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

**Background Documents** – The deposited documents.

- CA/23/1523 Replacement of roof coverings, repair and reconstruction of front boundary wall & replacement of front 1.25m high picket fence with 1.8m high white bow-top railings including access gates.  
Wickhambreaux C of E Primary School, The Street, Wickhambreaux, Kent CT3 1RN  
Decision: Permitted
- DA/23/943 Renewal of temporary planning permission DA/17/1646 for the existing two, five bay mobile classroom units for a further period of up to 5 years  
Craylands Primary School, Craylands Lane, Swanscombe, Kent DA10 0LP  
Decision: Permitted
- DO/22/1591/R16 Details of road condition survey pursuant to condition 16 of planning permission DO/22/1591.  
The Beacon Satellite, Salisbury Road, Walmer, Deal, Kent CT14 7QJ  
Decision: Approved
- FH/23/1719 Retrospective application to install 6No CCTV cameras around the perimeter of the building and down pipe installation and alterations.  
Folkestone Library (Grace Hill), 2 Grace Hill, Folkestone, Kent, CT20 1HD  
Decision: Permitted
- GR/20/156/R14 & 17 Details of a plan identifying the location of the replacement highways trees (Condition 14) and details of a letter demonstrating that the ecological features detailed within the Habitat Creation & Management Plan have been incorporated into the site (Condition 17) pursuant to planning permission GR/20/156.  
Mayfield Grammar School, Pelham Road, Gravesend, Kent DA11 0JE  
Decision: Approved
- MA/23/501813 Replacement of external doors and windows in aluminium and repair and redecoration of the timber fascia, soffits and bargeboards in white.  
Hollingbourne Primary School, Eyhorne Street, Hollingbourne, Maidstone, Kent, ME17 1UA  
Decision: Permitted

- MA/22/503012/RA Non-material amendment to planning permission MA/22/503012 to omit smaller canopy to northwest elevation exit doors; removal of associated RWP; top row of windows omitted above the same external door; external light from omitted canopy relocated to elevation; removal of timber and aluminium flashing between window and louvre; reconfiguration of windows arrangements - original structural openings remain the same; louvre grilles indicated above plant and PE equipment external doors  
Maidstone Grammar School for Girls, Buckland Road, Maidstone, Kent ME16 0SF  
Decision: Approved
- MA/22/503012/R12 Details of an Ecological Enhancement Plan pursuant to Condition 12 of planning permission MA/22/503012  
Maidstone Grammar School for Girls, Buckland Road, Maidstone, Kent ME16 0SF  
Decision: Approved
- SE/22/645/R9 Details of an ecological enhancement plan pursuant to Condition 9 of planning permission SE/22/645  
Broomhill Bank School (Northern Site), Rowhill Road, Swanley, Kent BR8 7RP  
Decision: Approved
- SW/21/504168/  
RVAB Details of the implementation of a Programme of Archaeological Work (Condition 7 in part), details of Covered Cycle Stands (Condition 11) & details of External Site & Security Lighting (Condition 17) pursuant to planning permission SW/21/504168.  
Borden Grammar School, Avenue of Remembrance, Sittingbourne, Kent ME10 4DB  
Decision: Approved
- SW/21/505738  
/RVRB Details of a revised Construction Environment Management Plan (CEMP) (Condition 4); details of the proposed overbridge, roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining structures, service routes, surface water outfall, embankments, visibility splays, accesses, carriageway gradients, crossings, cycle paths and street furniture (Condition 6); details of an archaeological field evaluation (Condition 9 Part i); details of a detailed sustainable surface water drainage scheme for the site (Condition 10) and details of a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) (Condition 15) pursuant to planning permission SW/21/505738.  
A249 Grovehurst Road Junction, Sittingbourne, Kent, ME10 2FF  
Decision: Approved
- SW/23/502554 Erection of a new 2-storey primary school building for the school and nursery to allow for the expansion of the school from 1FE to 2FE, and the demolition of the existing school to provide space for a hard surface multi-use games area (MUGA) and additional parking for staff, visitors and drop-off.  
Teynham Primary School, Station Road, Teynham, Kent ME9 9BQ  
Decision: Permitted



- TW/22/748/R8 Details of an Ecology Plan pursuant to Condition 8 of planning permission TW/22/748.  
Broomhill Bank School (Western Site), Broomhill Road, Tunbridge Wells, Kent TN3 0TB  
Decision: Approved
- TW/22/748/R9 Details of proposed native tree and shrub planting for the northern boundary and roadside hedge boundary of the site, as identified in the Landscape Visual Appraisal (FLA, November 2021) pursuant to Condition 9 of planning permission TW/22/748.  
Broomhill Bank School (Western Site), Broomhill Road, Tunbridge Wells, Kent TN3 0TB  
Decision: Approved

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**E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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**Background Documents –**

- *The deposited documents.*
  - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
  - *The Government’s Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/MA/0174/2023 - Section 73 application to vary condition 1 of planning permission MA/20/503430 to allow for a further 18 months to complete the southern slope remediation.  
Lenham Quarry (Shepherds Farm), Forstal Road, Lenham, Kent, ME17 2JB
- KCC/SCR/SE/0179/2023 - Request for a Screening Opinion as to whether the proposed development of a 0.62 MW solar PV array to provide renewable electricity to the Edenbridge Wastewater Treatment Works (WTW) requires an Environmental Impact Assessment.  
Land to the east of Edenbridge Wastewater Treatment Works, Skinners Lane, Edenbridge, Kent, TN8 6LW
- KCC/SCR/SW/0127/2023 - Request for a Screening Opinion as to whether the proposal to install two Storm Tanks requires an Environmental Impact Assessment.  
Sittingbourne Wastewater Treatment Works (WTW), Gas Road, Church Marshes, Sittingbourne, Kent, ME10 2QE
- KCC/SW/0204/2023 - Section 73 application to vary conditions 1, 3, 18, 25, 30, and the removal of condition 29 of planning permission SW/22/505751 to extend permission to extract brickearth from the site until 31st October 2026 and to provide for a revised site restoration scheme.  
Land to the South of the A2 (Hempstead House) and East of Panteny Lane, Bapchild, Sittingbourne, Kent
- KCC/SCR/TW/0136/2023 - Request for a Screening Opinion as to whether the proposed increase in storm storage capacity and a reduction in phosphorus requires an Environmental Impact Assessment.  
Hawkhurst North Wastewater Treatment Works, Heartenoak Road, Hawkhurst, Cranbrook, Kent TN18 5EY
- KCC/SCR/TW/0152/2023 - Request for a Screening Opinion as the whether the proposed installation of additional infrastructure, general system, and operational improvements to meet regulatory requirements requires an Environmental Impact Assessment.  
Sandhurst Wastewater Treatment Works, Crouch Lane, Sandhurst, Kent, TN18 5PA

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None.

**E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

**Background Documents -**

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

KCC/SCO/TM/0140/2023 - Request for a Scoping Opinion to determine the information to be provided in an Environmental Statement to accompany a planning application for the proposed extraction of aggregate (sand).  
Land West of Roughetts Road, Ryarsh, West Malling, Kent

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## **F. PLANNING CONSULTATIONS FOR MEMBERS' INFORMATION**

The County Council has commented on the following planning matters. A copy of the response is set out in the papers. These planning matters are for the relevant District/Borough or City Council to determine.

**F1** Consultation on the proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making.

KCC response to the Department for Levelling Up, Housing and Communities on the above.

**F2** Consultation on planning application EDC/22/0168 - Ebbsfleet Central East, land adjacent To Ebbsfleet International Railway Station, Thames Way, Ebbsfleet

KCC response to the Ebbsfleet Development Corporation on the above.

**F3** Consultation on planning application 2022/1064 - Proposed development at Land Surrounding Ebbsfleet United Football Club

KCC response to Gravesham Borough Council on the above.

**F4** Consultation on the Maidstone Local Plan Review Main Modifications

KCC response to Maidstone Borough Council on the above.

**F5** Consultation on the Medway Local Plan

KCC response to Medway Council on the above.

**F6** Consultation on the Capel Neighbourhood Plan

KCC response to Tunbridge Wells Borough Council on the above.

**F7** Consultation on the Faversham Neighbourhood Plan

KCC response to Swale Borough Council on the above.

**F8** Consultation on the Tenterden Local Plan

KCC response to Ashford Borough Council on the above

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Kent County Council  
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Kent ME14 1XX  
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17 October 2023

Planning Development Plans  
Department for Levelling Up, Housing and Communities  
Planning Directorate  
3rd Floor, North East  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

**Sent by email to: [planmakingconsultation@levellingup.gov.uk](mailto:planmakingconsultation@levellingup.gov.uk)**

Dear Sir or Madam

### **Introduction**

Government is seeking views on proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making. The stated intention is to make plans simpler to understand and use, faster to prepare and update, and be more accessible with a strong emphasis on digitalisation to take advantage of new digital technology. The intention is for local plans to be positively shaped by the views of communities about how their area should evolve, and be prepared in a way that communities and other plan users can engage with a new style of local plans more easily, particularly in the early stages of plan making.

**Overall Messages:** Kent CC generally supports the intent of the proposals and particularly welcomes the recognition in the consultation document of the potential requirements for minerals and waste local plans, particularly those within two tier local authority areas. Whilst the plan making requirements have many similarities to those prepared by District and Borough Councils and unitary authorities, there are important distinctions which are worthy of consideration to ensure that important mineral and waste infrastructure is planned for and delivered in a sustainable and timely manner. This consultation response draws attention to those matters, although wishes to highlight separately two key areas - concern regarding the proposed 30 month timescale and that further clarity is required on how existing Sites Plans, which currently form part of the development plan and set out allocations for mineral and waste development, are to be taken forward in the new regime, bearing in mind that they have different adoption dates to the 'core strategy'. This is a matter that is not unique to Kent as a Mineral and Waste Planning Authority in a two-tier local authority area.

In respect of the 30 month timescale, whilst recognising the need to speed up the plan making process, 30 months would not allow sufficient time to procure and prepare the necessary evidence base, to properly engage with the community and other stakeholders and adequately address matters raised by them, or for elected Members to get formal signoff to plan stages. Many of the delays from the current system arise from the need to satisfy legitimate concerns raised by communities and stakeholders. A worthy aspiration of the

proposals is for greater community engagement, but this brings with it an obvious tension on the timescale.

Further consideration is also required as to how adopted Sites Plan that set out land allocations are to be addressed in the new plan making system. The following three paragraphs of our response provides the critical context and background to underline our response to this consultation.

Kent, like many mineral and waste planning authorities, has an adopted Minerals and Waste Local Plan (KMWLP) supported by an adopted Mineral Sites Plan which form the development plan. In Kent, the KMWLP is the core strategy and it includes a strategic allocation for waste and one for minerals. It was originally adopted in 2016 with a handful of updated policies being adopted in 2020 (via a process we refer to as the 'Early Partial Review'). The updated KMWLP commits to preparing a plan that allocates sites for soft sand and sharp sand and gravel (due to data indicating the need for additional sites to maintain the landbank). The Kent Mineral Sites Plan was adopted in September 2020 and fulfils the commitment to allocate sites in the KMWLP by including two allocations for sharp sand and gravel and one allocation for soft sand.

A five year review of the KMWLP was undertaken in 2021 and this identified the need to update certain policies - the process of updating the policies is well underway and there have been several rounds of Reg 18 public consultation. We intend to publish (Reg 19) in early 2024 and hope to adopt in Spring 2025 under the current plan making arrangements. The current work to update the KMWLP has identified a shortfall in the provision of crushed rock and so the Mineral Sites Plan is now also being updated with a view to allocating a crushed rock quarry if possible.

Work on the updated Sites Plan is running behind updating the KMWLP but we hope to achieve submission before June 2025 and so this should be dealt with under the current system. However, should the Sites Plan not be adopted under the current system and as the other parts of the Sites Plan were adopted in 2020, work on updating the Site Plan under the new system would need to commence in October 2025.

This is in accordance with the following included in the consultation "Authorities that have prepared a...minerals and waste plan which is more than 5 years old when the new system goes live (and are not proactively working towards *the 30 June 2025 submission deadline under the current system*) *will be required to begin preparing a new style....minerals and waste plan straight away.*"

It is unclear from the consultation whether Sites Plan can be updated under the new system as a standalone plan or if it can be updated in the form of a new Supplementary Plan. There is uncertainty as to what status the allocations in the adopted Sites Plan would have once the five year period since adoption has elapsed (in September 2025) and whether updating the Sites Plan under the new system would be included in an early 'wave' of local plans being updated. Further detail is set out in the Council's response to Q38.

The Kent County Council's response to the consultation questions is set out below.

Yours faithfully

Stephanie Holt-Castle

Director of Growth and Communities

## **Response of Kent County Council**

### **Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?**

The Council is generally supportive of the proposed core principles outlined in the consultation - a locally distinct vision, the promotion of sustainable development, the inclusion of locally distinctive policies, the recognition of the importance of design and the inclusion of monitoring measures, a key diagram and digital policy maps. It however recognises that there may be tension between the locally distinct vision, particularly for mineral and waste development and community aspirations which are anticipated in the Bill to have a greater role in plan making in the new arrangements.

In promoting sustainable development it is important that there is a clear definition of sustainable development. There are a number of themes omitted from the consultation principles that could usefully aid the delivery of sustainable development. These include a clear reference to take account of climate change and adaptation, the need to reach net zero and to support a circular economy. The principles should also provide for plans that allow for development to come forward which is of the right type in the right place and at the right time, and in the case of minerals and waste plans take account of the waste hierarchy, the proximity principle and Local Aggregate Assessments (LAAs). The principles should also address the tension between the extraction of finite minerals and sustainable development as currently recognised in the NPPF.

### **Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?**

We agree that plans should have a local vision and that this should be a thread that runs through the local plan. In developing the vision, there is support for proposed linkages to other corporate strategies. As the new style of plans will rely upon prescribed national core principles and standard templates, it is important that in developing the vision, there is sufficient flexibility in the process so that it enables plans to address the criticism of the current system, that visions 'do not capture the uniqueness of the places they describe or the views of the communities that they serve'. The template needs to have sufficient flexibility so that communities and other stakeholders can identify the core principles that are most important to them and to achieve the community engagement and buy-in that is sought. In two-tier authorities, 'visions' included in non-minerals and waste local plans will need to take account of those 'visions' within the mineral and waste local plan relevant to the area and vice versa. In addition to a vision, there is also a role for objectives to help articulate the vision.

### **Question 3: Do you agree with the proposed framework for local development management policies?**

In principle a system of local and national development management policies is supported as a means of delivering local plans more quickly, although it should be recognised that the majority of time spent preparing current plans relates to sites work, which will not be speeded up with local development management policies. In the absence of the detail of the national development management policies, it is difficult to fully comment on the acceptability. In developing national policies, these need to reflect the requirements of

mineral and waste management development which can have differing needs to other forms of development.

The need to ensure that local development management policies are justified and support the delivery of the local plan vision is supported.

**Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?**

There is support for templates to aid the plan making process. They should have flexibility to allow for individual local circumstances and to enable local innovation. Where a plan is sound, deviation from a template should be permissible.

Consultation on the templates before they are finalised would be beneficial.

**Question 5: Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?**

Yes, templates for mineral and waste local plans should be bespoke and could usefully address the strategic nature of minerals and waste management. In the case of a potential waste template, the different waste types, policies to address each tier of the waste hierarchy, safeguarding, sites and level of provision could be considered. With regard to a minerals template this could usefully address which economic minerals to plan for, approaches to reduce use, recycled and secondary material, primary land won and marine won, the level of provision, safeguarding and sites. In addition, templates related to evidence based documents could have merit.

**Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?**

No, this timescale is not realistic and will be highly challenging to deliver. The proposed timeframe does not allow sufficient time to prepare the necessary evidence base, to effectively engage with the community, stakeholders and elected representatives and to respond to concerns that are raised, and to complete the necessary governance and examination processes. This is particularly the case with local plans that have a strategic cross boundary dimension (i.e. many mineral and waste plans) where multiple local authorities may be involved. The long gestation period for current local plans is heavily influenced by public and stakeholder engagement and the need to properly respond to concerns raised. Whilst the proposal includes a number of helpful initiatives including the Project Initiation Document (PID) to scope out the local plan work, early engagement and the gateway checks, it is difficult to see how these will enable an adopted plan within 30 months. It could be argued that there is a risk that the scoping and early participation stage could extend to the point that the overall plan making period is, in practice, no shorter than the current one.

The consultation recognises at paragraph 210 that minerals and waste are often 'strategic cross boundary issues'. The proposed alignment test will therefore be key to addressing these strategic issues. In the absence of details of the test and how long it will take to implement the requirements, it is difficult to comment on the implications for delivery within the 30 month timescale.

No consideration appears to have been given to local authority election cycles and governance requirements and the consequences on the plan making timetable which can have a considerable influence on the delivery of a local plan.

Under current arrangements, it is not possible to adopt a plan within one month of the Inspector's report being issued due to governance and the lead-in times for elected members decision to adopt a plan. In the proposed plan process, this could potentially be addressed if the Planning Inspector were to be required to provide a date on which the Inspector's report would be provided. This would allow for the local authority to pre-plan for committee meetings in advance of receiving the Inspector's report to ensure adoption processes are expedited. As the delivery of the plan's timetable is within the gift of the Planning Inspectorate post submission rather than the planning authority, the 30 month plan window may be more practical if it were set to submission, with a further period defined for the examination and adoption processes.

There would be merit in certain defined circumstances for the 30 month clock to stop. For example, a delay in the gateway checks due to a lack of assessors, unforeseen significant events such as a Habitat Regulations matter, changes in relevant national policy, strategy or legislation – i.e. those matters that are outside the control of the planning authority.

Planning authority resources and the lack of experienced Planning Policy Officers will also remain a barrier to delivering Local Plans within the 30 month timescale. Whilst it is recognised that there has been some work on building capability and capacity within local authorities, this has to date been on competitive time limited funds, for junior posts and more directed to development management rather than planning policy. As a result it is not delivering the core experienced policy officers that will be needed to bring about an expedited plan making system. Adequate resources within the Planning Inspectorate will also be required as well as within the statutory stakeholder bodies to ensure that they can respond in a timely and effective manner. Experience of the current plan system illustrates that responses from statutory bodies are often not within the scope of the Regulation 18 timescales due to competing demands, lack of resources and governance arrangements for sign off of another local authority views – particularly important on cross border and strategic matters.

Delivery within the 30 months would only appear likely if the level of evidence to support a local plan is significantly reduced, which seems very unlikely given the tension between those promoting and those opposing development, and the need to have robust information so that a fair and justified decision can be made. It is noted that the aspiration for greater awareness and engagement on plan making matters could add to the timetable.

As well as preparing the Minerals and Waste Plan, the County Council also has the responsibility for engaging with District and Borough Councils in regard to their Local Plans, this includes highway matters, education, waste management, flood risk and heritage for example. The County Council is concerned that by reducing the time taken to adopt a Local Plan, that this will reduce the time for meaningful engagement to resolve complex local and strategic planning issues and also to ensure that growth is supported by the appropriate infrastructure. There must be appropriate time for meaningful engagement.

**Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?**

Yes, this could be a useful tool in the plan-making process effectively scoping the local plan work and the resources required.

**Question 8: What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?**

There could be value in the standardisation of data. The following datasets could be beneficial: urban areas in adopted plans which would assist in the case of Kent mineral safeguarding matters, details of mineral and waste safeguarding interests, mineral resources, mineral need assessment, waste capacity and type data, biodiversity interests. Consideration will need to be given to licensing and accessibility matters.

**Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?**

Yes. There are issues around data and GIS licencing, costs and the time required to obtain the necessary data licences which need to be factored into any digital roll out. In addition, there is a lack of GIS skills within the local authority.

There needs to be clarity as to what qualifies as a 'duly made' representation, bearing in mind the consultation states that regulations will "enable the submissions of representations in a form which maintains and strengthens accessibility for communities, but makes it easier for planning authorities to process". This implies that comments can only be made through a digital template. The new system must avoid the need for planning teams to have to copy across comments from one format to another which will have potentially significant time implications. For example, significant (20,000+) comments on the Council's current Sites Plan consultation came via a national campaign and were received into the authority's 'junk' email rather than the dedicated email or consultation hub. This resulted in the need to transfer the representations individually into the corporate system. With the power of social media campaigning, this experience we anticipate could become more and more the norm.

The proposed system should also recognise that as part of the plan making process, third parties will also prepare evidence that will need to be considered as part of the examination. Consideration needs to be given as to how this can be digitised. Should this be prepared to a specified format and if that is the case, how is material that falls outside that format to be managed? A reliance upon greater digitisation raises accessibility and equality considerations which will need to be satisfactorily addressed.

Plan making authorities will face significant additional costs in setting up the digital toolkits set out in the consultation - this will need to be supported by increased funding from government.

**Question 10: Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?**

Yes – in principle the opportunities identified could assist in plan production.

**Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?**

The consultation refers to considerable work that has already been undertaken. The benefits of this work and early pilots should be shared to minimise duplication.

**Question 12: Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?**

In principle, the Council is generally supportive of the proposal to replace the Local Development Scheme (LDS) with a simpler plan timetable. This would allow for greater flexibility and assist in responding to change and unforeseen circumstances in a more responsive manner. The proposed requirement however to update the timetable every six months would seem unnecessary and onerous particularly if there have been no major changes to the timetable.

**Question 13: Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable?**

The proposed 3 gateways would seem to be key milestones that could prompt a review of the plan timetable, particularly if they were to identify that further work was necessary or if the gateway checks were delayed. The system should also provide for flexibility for the local authority to review the timetable for legitimate reasons that occur outside of the planning authority's control, i.e. changes to Government policy during the plan production process and local elections which have a bearing on the emerging local plan. Similarly, they could be reviewed on a risk basis if something was identified that if it were to occur would have a significant impact upon the timetable.

**Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?**

In principle, the Council welcomes the setting of national policy that provides clearer expectations for a plan's evidence base and how it will be treated through examination. It also welcomes the commitment to further consultation on this matter. In the absence of the detail, it is difficult to comment at this time. In preparing the further information, consideration should be given to how evidence prepared by third parties during the plan making process will be considered and presented. Should this be provided to a specified format. The consultation document appears drafted from a plan making authorities' perspective.

**Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?**

There could be merit in the standardisation of some evidence base documents for mineral and waste development. Such consistency would allow easier preparation of regional and national assessments, and potentially assist in greater engagement and understanding of the data. At examination, there could be time benefits as Inspectors become familiar with the dataset and presentational style. Waste examples could include the standardisation of Waste Needs Assessments covering baseline assumptions, forecasting, existing assessment of capacity, identification of gaps and common assumptions, and the Environment Agency's Waste Data Interrogator to support the wider needs of plan making. In respect of minerals there could be a standardised tool for calculating Local Aggregate Assessment (LAA) data in respect of landbanks and based upon certainty of the data. The latter could be achieved with a link to monitoring requirements and an obligation on operators to provide annual data.

**Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?**

In principle there is support for freezing evidence during the plan preparation process. The need to respond to changing circumstances is a contributory factor in the time it takes to deliver existing plans. The Council favours an option whereby evidence should be agreed at the first gateway assessment, unless there are overwhelming reasons not to, and frozen again at the equivalent Reg 19 stage (plan submission). This will allow the local plan authority to progress the plan making with confidence. To support the delivery of a 30 month timescale there will need to be clear guidance on what level of evidence is essential, and what is superfluous to support the local plan. There also needs to be recognition that the view of the examining Inspector may vary, and that evidence is often prepared to address representations. In determining this aspect of the new system, local authorities are likely to continue to be risk averse in preparing the evidence base if the examining Inspector is likely to seek significant new evidence to be provided at the examination stage. At the examination stage, the local authority needs to have the ability to provide evidence to support statements made and/or to assist the examination. It is not clear from the consultation documentation if that is the intention.

**Question 17: Do you support this proposal to require local planning authorities to submit only supporting documents that are related to the soundness of the plan?**

Yes, it is noted that this is also the current position.

**Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?**

The Council agrees in principle with the purposes of gateway assessments and considers that they could support the early resolution of possible soundness issues. The Council considers that bespoke mineral and waste gateway checks will be required with the gate keeper having a robust understanding and experience of mineral and waste planning matters. There has been some suggestion that this could be another Mineral and Waste planning authority. Whilst this suggestion has some merit, there are questions around resources and potential conflicts of interest. To ensure consistency of advice, it would be beneficial for the same gatekeeper to advise at each stage. If that is not possible, then at the very least the 3rd gatekeeper (and if needed any repeat of Gateway 3) should be the Inspector appointed to examine the plan. This will bring benefits that should aid the swifter delivery of an adopted plan.

In terms of who should take part in the gateway assessments, there may be merit depending upon the issues raised for involving key stakeholders as part of the 2<sup>nd</sup> gateway.

**Question 19: Do you agree with these proposals around the frequency and timing of gateways and who is responsible?**

The council is supportive of gateway assessments where they have the potential to improve the process and identify concerns that may lead to an unsound plan early in the process. However as advised above, there are concerns regarding the consistency of advice if different personnel are involved. Where gatekeepers identify deficiencies to be addressed, they must provide clear written guidance and a timeline as to the work that needs to be completed.



**Question 20: Do you agree with our proposals for the gateway assessment process, and the scope of the key topics? Are there any other topics we should consider?**

The topics for consideration should be driven by the circumstances of the local plan. The suggested limit to 5 issues would appear arbitrary.

**Question 21: Do you agree with our proposal to charge planning authorities for gateway assessments?**

No, this is a new burden for authorities. Given current local authority finances and the discretionary nature of checks 1 and 2, there may be funding issues that minimise take up.

**Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?**

In principle the Council agrees with the proposals to speed up plan examinations. The 'duty to cooperate', particularly on cross boundary issues, is a contributory factor for the time that it takes to prepare and adopt a local plan and for a number of plans being found unsound. The consultation is silent on the replacement alignment policy. In the absence of the new policy, it is difficult to comment on the time implications of plan delivery.

As the new plan making system becomes operational, there will be a continuous rolling cycle of plan reviews and updating policy. It would be helpful for guidance setting out evidence requirements for those parts of a plan that are to remain unchanged and how they are to be examined in the future.

**Question 23: Do you agree that six months is an adequate time for the pause period, and with the government's expectations around how this would operate?**

Yes, but only where the matter that has triggered the pause is within the gift of the planning authority to resolve. For example, if the cause relates to a matter that requires input from other stakeholders or those making representations and the 6 month deadline cannot be met because of 3<sup>rd</sup> party interests, it would be unreasonable for the 6 month pause to be applied. To address this, there should be discretion in the period set.

**Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?**

Yes, but as adopted Statement of Community Involvements (SCI) provide engagement details for plan making and development management, clarification is required as to how the development management elements will be taken forward. In terms of local plan engagement this needs to be proportionate given the circumstances of the plan.

**Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process?**

Yes this seems reasonable as the delivery of a quicker plan making system will be dependent upon timely responses from the relevant persons and bodies. Of the consultation options, the Council favours the option as set out in paragraph 146 for ongoing informal engagement with statutory bodies to define early issues, rather than a fixed timescale. In light of competing demands on stakeholder's time and expertise, consideration will need to

be given as to how best to secure timely engagement from statutory bodies and the consequences of not engaging at the early stages.

In the case of mineral and waste matters, there would be benefit in recognising the role that regional fora has i.e. Aggregate Working Parties (AWPs) and the Waste Technical Advisory Bodies (WTABs) in potentially shaping places and supporting evidence.

**Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?**

The PID appears to be a project management tool setting out the processes to follow, resourcing and governance etc which do not naturally lend themselves for community engagement. To encourage community responses and early shaping of the plan, it may be more useful to identify the community engagement elements around a draft vision and outcomes. Typically, communities are less likely to engage with a local plan unless they can identify some direct impact. To achieve the wider community buy-in that the proposed plan making arrangements aspire to, this community view will need to be addressed.

**Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?**

Yes, clear guidance would be beneficial for all those involved in the plan making process.

**Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?**

Yes. It would be beneficial to see these in draft before finalisation and for local authorities to maintain some flexibility to address local circumstances. To support the delivery of swifter plan adoption, the format for making representations will need to balance accessibility considerations whilst avoiding the need for the duplication of processes where representations are submitted in alternative formats.

**Question 29: Do you have any comments on the proposed list of prescribed public bodies?**

It is noted that the proposed list of prescribed public bodies in the consultation appears out of date in paragraph 159 in respect of LEPs and National Highways. In two tier authority areas, a requirement to engage with the respective County Council and District/Borough Councils should also be included.

In the case of mineral and waste development, in addition to including authorities where relevant in Scotland and Wales, there should also be some discretion whether to engage with all parties in the table, as is implied for some plans by the use of 'where relevant'. For example, the need to engage with Integrated Care Boards, the National Health Service Commissioning Board and Sport England on county matter plans. These bodies are unlikely to have an interest in mineral and waste plans.

It is recognised that the prescribed public bodies will hold valuable information and technical expertise to assist with plan making, but many are currently under resourced and may be unable to respond to local plan consultations. For the prescribed bodies to be able to engage positively with plan making authorities, there needs to be a planning resource within each body with a clear duty to support the local plan process.

**Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.**

The requirement would be a useful tool where there is no engagement with the plan making authority and that body holds expertise and data that is fundamental to the emerging plan work. It is not clear from the consultation, the consequences of serving the notice and clarification could usefully be provided. Some form of mechanism is required if the 30 month timescale is to be met.

**Question 31: Do you agree with the proposed requirements for monitoring?**

The Council supports in principle a two staged approach to monitoring - a light touch annual return on a number of key indicators and a more detailed submission every 4 years post adoption. The latter could inform the local plan review work. A template would be a suitable method of data capture and assist in wider data capture referred to elsewhere in the consultation.

**Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?**

Yes in respect of monitoring for Minerals and Waste planning matters.

In respect of possible other metrics for minerals and waste planning matters, consideration could be given to the impact upon industrial minerals, safeguarded infrastructure and the impact of circular economy policies both in mineral and waste plans and broader local plans.

**Question 33: Do you agree with the suggested factors which could be taken into consideration when assessing whether two or more sites are 'nearby' to each other? Are there any other factors that would indicate whether two or more sites are 'nearby' to each other?**

Based upon the consultation material, it is reasonable that proximity should be the main determining factor. However, depending upon how Mineral and Waste Sites Plans (see introduction above and the Council's response to Q38 below) are to be taken forward in the new plan making arrangements, then these factors may need to be reconsidered.

**Question 34: What preparation procedures would be helpful, or unhelpful, to prescribe for supplementary plans? e.g. Design: design review and engagement event; large sites: masterplan engagement, etc.**

It would be helpful to understand the expectations for consultation and the criteria they will be examined against.

**Question 35: Do you agree that a single formal stage of consultation is considered sufficient for a supplementary plan? If not, in what circumstances would more formal consultation stages be required?**

In the event that mineral and waste sites plans, which currently allocate sites in accordance with the adopted strategy plan, are to be reviewed in future as a supplementary plan, then the supplementary plan should require more than a single stage of consultation. Clarification should also be given as to the weight that supplementary plans will carry compared with local plans and SPDs, and the differences between local plans and supplementary plans.

**Question 36: Should government set thresholds to guide the decision that authorities make about the choice of supplementary plan examination routes? If so, what thresholds would be most helpful? For example, minimum size of development planned for, which could be quantitative both in terms of land use and spatial coverage; level of interaction of proposal with sensitive designations, such as environmental or heritage.**

Specifying thresholds for determining whether a supplementary plan would be examined by an independent examiner of the authority's choosing or a Planning Inspector appointed by the Secretary of State would be helpful. A supplementary plan that allocates sites that have not been assessed in a local plan should be examined by a Planning Inspector.

**Question 37: Do you agree that the approach set out above provides a proportionate basis for the independent examination of supplementary plans? If not, what policy or regulatory measures would ensure this**

Depending upon how Mineral and Waste Sites Plans (see introduction above and the Council's response to Q38 below) are to be taken forward in the new plan making arrangements, then these factors may need to be reconsidered.

**Question 38: Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?**

The Council draws attention to its response to the other consultation questions which also apply from a minerals and waste plan perspective. The issue set out below, is however unique to mineral and waste planning and is typical across a number of two tier planning authorities. The public consultation is silent on how Mineral and Waste Sites Plans which form part of the current development plan, allocate sites in accordance with the adopted strategy plan and have a different adoption date and therefore review date are to be addressed in the new plan making system. Supplementary plans are potentially suggested as a way forward, although it is noted from the consultation documents that these are not intended to be used routinely, are for exceptional and unforeseen circumstances, and limited to a single or two neighbouring sites. In the case of an area (county) wide basis they appear limited only to set out a design code. Mineral and Waste Sites Plans do not meet such criteria.

**Clarification is therefore required as to how adopted Mineral and Waste Sites Plans that set out land allocations are to be addressed in the new plan making system, whether they can be updated under the new system as a standalone plan or if they can be updated in the form of a new supplementary plan. If not, what options are available to provide a sites allocation plan so that development is plan led, rather than tested via planning application once a case of need is established in the adopted strategy plan.**

**Clarification is also sought to address the uncertainty as to what status the allocations in adopted Sites Plan would have, once the five year period since**

**adoption has elapsed and whether updating the Sites Plan under the new system would be included in an early ‘wave’ of local plans being updated.**

**For those mineral and waste planning authorities, it is essential to confirm that standalone plans which allocate sites can be prepared and policies in Plans which are more than 5 years old still form part of the Development Plan (and take primacy over the NPPF) unless it can be demonstrated that they are not consistent with the NPPF. In the absence of this, sites will come forward via planning application rather than the intended pan led system.**

Further details of the case in Kent is set out below to illustrate the matter:

Kent, like many mineral and waste planning authorities has an adopted Minerals and Waste Local Plan (KMWLP). This is the core strategy and it includes a strategic allocation for waste and one for minerals. It was originally adopted in 2016 with a handful of updated policies being adopted in 2020 (via a process we refer to as the ‘Early Partial Review’). The updated KMWLP commits to preparing a plan that allocates sites for soft sand and sharp sand and gravel (due to data indicating the need for additional sites to maintain the landbank). The Kent Minerals Sites Plan was adopted in September 2020 and fulfils the commitment to allocate sites in the KMWLP by including two allocations for sharp sand and gravel and one allocation for soft sand.

A five year review of the KMWLP was undertaken in 2021 and this identified the need to update certain policies - the process of updating the policies is well underway and there has been several rounds of Reg 18 public consultation. We intend to publish (Reg 19) in early 2024 and hope to adopt in Spring 2025 under the current plan making arrangements. The current work to update to the KMWLP has identified a shortfall in the provision of crushed rock and so the Minerals Sites Plan is now also being updated with a view to allocating a crushed rock quarry if possible. Assuming the adoption date is 2025, the new KMWLP will be due for a review under the new style of plan making in 2030.

Work on the updated Sites Plan is running behind updating the KMWLP but we hope to achieve submission before June 2025 and so this should be dealt with under the current system. However, should the Sites Plan not be adopted under the current system and as the other parts of the Sites Plan were adopted in 2020, work on updating the Site Plan under the new system would need to commence in October 2025.

This is in accordance with the following included in the consultation "Authorities that have prepared a....minerals and waste plan which is more than 5 years old when the new system goes live (and are not proactively working towards the 30 June 2025 submission deadline under the current system) will be required to begin preparing a new style....minerals and waste plan straight away."

This creates the following position:

On the assumption that the Council’s current local plan work to update the KMWLP is adopted as anticipated in 2025 under the current plan making arrangements, the

Council will have an up to date local plan that sets the criteria for considering planning applications, including an agreed position on aggregate need which determines whether there is a requirement for any additional site allocations. Importantly of note is that the Plan we are seeking to submit and adopt in 2025 is not identifying a need for any further sites for soft sand and sharp sand and gravel - i.e. the existing Mineral Sites Plan 2020 is still sound in respect of these minerals and needs no further allocations at least until the next 5 year review of the KMWLP (i.e. 2030).

In respect of hard rock as advised above, we are currently testing the acceptability of a site for allocation and if acceptable anticipate an allocation being made in an update of the Sites Plan under the current plan arrangements, with adoption in late 2025/2026.

### **Potential way forward**

To widen the scope of supplementary plans so area wide plans can address site allocations for mineral and waste matters. Further consideration will need to be given to the engagement and examination processes, given community interest in the site allocation process. Alternatively the transition arrangements could be drafted to allow for a sufficient period for Sites Plans to be in force until the mineral and waste 'strategy' plans are reviewed and examined, with a requirement that sites plans are to be embedded in the 'strategy' plans from the next review period.

#### **Question 39: Do you have any views on how we envisage the Community Land Auctions process would operate?**

No

#### **Question 40: To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?**

No comment

#### **Question 41: Which of these options (for transitional arrangements) should be implemented, and why? Are there any alternative options that we should be considering?**

Subject to the resolution of how mineral and waste sites plans are to be resolved in the new arrangements, the Council does not expect being in the first wave, with an anticipated adopted Plan in 2025. Of the suggested options, preference is for the option that gives later waves a 'backstop' by which they have to commence, but allow them to start earlier if they want to.

In light of the site plan matter raised in respect of Q38, transitional arrangements that make provision for the temporary retention of these site allocation plans until allocations can be incorporated into the review of the overarching 'strategy' Plan should be considered.

#### **Question 42: Do you agree with our proposals for saving existing plans and planning documents? If not, why?**

Existing local plans including Mineral and Waste Sites Plans (which allocate sites) should remain in force until the planning authority adopts a new-style local plan that updates both, at which point they will automatically cease to have effect. I refer to Q38 above.

**Question 43: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?**

The proposed plan making arrangements have a strong digital emphasis. This raises accessibility and equality considerations that will need to be satisfied.

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**Ebbsfleet Development Corporation**

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 Cstle Hill  
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 Kent  
 DA10 1EE

**Highways and Transportation**

Kroner House

Eurogate Business Park  
 Ashford

TN24 8XU

**Tel:** 03000 418181

**Date:** 23 October 2023

**Our Ref:** AC

**Application - EDC/22/0168**

**Location - Ebbsfleet Central East**

**Land Adjacent To Ebbsfleet International Railway Station**

**Thames Way**

**Kent**

**Proposal - Outline planning application (with all matters reserved) for mixed-use development comprising demolition of the existing car parking, Structures and station forecourt and provision of residential dwellings (Use Class C3); flexible commercial, business and service uses (Use Class E) to allow provision of retail, offices, restaurants/cafes, nurseries, and healthcare facilities; flexible learning and non-residential institutions (Use Class F1); flexible local community uses (Use Class F2); hotel use (Use Class C1); residential institutions (Use Class C2); and Sui Generis uses to allow provision of co-living and student accommodation, public houses/drinking establishments, and theatres/cinemas. Associated works include hard and soft landscaping, a River Park, car parking and multi-storey car parks, pedestrian, cycle and internal vehicular network, and other ancillary infrastructure; and associated crossings, highway accesses, and junction improvements.**

Thank you for your re-consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

**Transport Assessment Addendum**

Personal Injury Collision data has been analysed for the period between 1<sup>st</sup> October 2017 to 30<sup>th</sup> September 2022. The analysis as presented is acceptable.

Paragraph 4.4.7 explains why TEMPRO growth has not been applied. This is acceptable since traffic from committed developments has been added separately.

As stated in paragraph 4.4.33, the assessment has been carried out without a percentage reduction to Eastern Quarry trips, which is supported.

With regard to the traffic flow diagrams in Appendix P, it is noted that there is a significant difference in northbound traffic flows on Thames Way in the AM peak scenarios between the junction with Springhead Road and the junction with the A2260 Ebbsfleet Gateway junction. For

example, in the 2032 EC1 and EC2 Maximum Residential scenario for the AM peak, there are 928 PCU's at the Springhead Road junction and 1,024 PCU's at the Ebbsfleet Gateway junction. Please provide clarification.

With regard to trip generation, please confirm the size (sqm) of the C2 Residential Institution, C4 Co-living use and Sui Generis uses. Whilst paragraph 4.5.5 of the report refers to sui generis, there are concerns that all three of these uses will attract trips from outside of the site, and further information is required.

The KCC Traffic Signals team have reviewed the proposals for the signalised junctions and LinSig modelling results, all of which are now acceptable. Minor issues can be addressed at the detailed design stage when they go through technical approval. For clarity, the agreed plan for drawing 103780-PEF-EC-XX-M2-Y-000016 is P07 as shown on page 263, not P04, as shown on page 104.

As requested, the following additional junctions have been assessed:  
Grove Road / B2175 / A226 roundabout;  
Springhead Road / Thames Way roundabout; and  
Springhead Road / Hall Road / Superstore Access.

The junction capacity assessment is considered acceptable.

Drawing 103780-PEF-EC-XX-M2-Y-000040 in Appendix N shows the proposed speed limit changes and is welcomed. The KCC Active Travel team have requested that the remaining 50mph section on the A2260 between the 30mph west of the junction with Springhead Bridge, and the Southfleet Road roundabout, is reduced from 50mph to 40mph.

Paragraph 3.2.1 states "*The highway drawings which are to be conditioned identify the Green Corridors route along Thames Way (see Appendix F). This will therefore be delivered by EDC if KCC has not first implemented, and subject to what is achievable within the identified extent of the identified corridor*". This is welcomed.

The example crossings shown on drawings 103780-PEF-EC-XX-M2-Y-000019 P01 and 103780-PEF-EC-XX-M2-Y-000020 P04 should be determined at Reserved Matters Application stage.

Cycle and vehicle parking are to be provided in line with EDC standards and provision will include "*nonstandard and all-ability cycles, such as cargo bikes, tricycles and tandems*". This is welcomed. Electric vehicle charging should be provided in line with the Building Regulations (as a minimum).

It is unclear whether the parameter plan allows for the re-provision of all of the existing bus stops. Please clarify.

The Road Safety Audit Designer's response makes reference to the Green Corridor scheme along the A226 Thames Way. KCC have previously stated this project is on hold and may not be delivered due to ecology issues. Therefore, the points made at 2.3.5 and 2.3.6 are outstanding and should be resolved by the applicant, prior to occupation. Point 5.2.1 should not be dismissed and should be considered at the detail design stage as recommended by the Road Safety Auditor.

Whilst the KCC PROW team are consulted separately, it is noted that the connection to PROW14 from Thames Way to provide an increased direct off road connection, which was

requested by EDC officers and supported by KCC PROW officers, is not being provided. This is disappointing.

With regard to Fastrack, as discussed during the meetings, KCC require the Fastrack route to be implemented as per Option 2, as it provides a direct controlled crossing of Southfleet Road into Whitecliffe and the buses will avoid congestion on Southfleet Road. Option 1 is unlikely to be acceptable to KCC in its current form, especially as it does not give Fastrack priority at the junction.

The tracking for the 18m articulated bus shows overrun of the island at the International Way junction. In addition, this vehicle is not accommodated for in Option 1 as it requires the use of the whole of Southfleet Road to make the turning manoeuvre. All developers accommodating Fastrack are asked to future proof for 18m articulated buses as well as track for the 12.2m electric bus. The design should be amended to accommodate these buses and tracking re-run. Within the main development it would be beneficial if the tracking for each direction was on one drawing so that centre line conflict can be noted. The Fastrack Network Plan in Appendix M looks to be cropped and incomplete.

### **Transport and Parking Strategy**

Paragraph 5.1.6 states that the car club will be implemented after the occupation of 50 residential units or the first employment plot. As per previous comments, it is important for the car club to be operational prior to first occupation in order to establish sustainable travel patterns from the outset.

### **Framework Travel Plan**

Section 3.1 should reference questionnaire surveys as one of the key responsibilities of the TPC.

Paragraph 5.3.5 states that the remedial measures if the targets are not met might include personalised travel planning. Other remedial measures should be set out.

The following amendments should be made to Table 6-1:

There should be a target of 'prior to occupation' for the car club;

One years free car club membership and £50 driving credit should be included; and

The annual vehicle surveys should also be included.

The mobility hub is proposed to be installed within EC2 prior to full build out of phase 1, however, this should be brought forward to first occupation.

Once the value of the S106 contributions (e.g. MAAS credits) have been agreed with KCC, these should be included in the Travel Plan.

Paragraph 4.10.1 of the FTP refers to a Stakeholder Group being established to provide ongoing engagement and review of the Travel Plan. This is welcomed. However, further information should be provided as to the roles and responsibilities of the group. For example, the group should determine if, when and how any of the Transport Fund is to be spent.

The applicant has not agreed to the requested parking surveys of the surrounding roads to monitor ad hoc parking. It is therefore requested that this is included in the Travel Plan as a remedial measure. Should any on-street parking (particularly at Springhead Park) be thought to be attributed to Ebbsfleet Central, this should be investigated by the TPC, with the Travel Plan Fund being used to implement measures that the Stakeholder Group consider appropriate.

For clarity, vehicle targets should be based on the traffic generation set out in the TA, as this is what the transport work was based on.

## **Conclusion**

In conclusion I would like to place a holding objection on the application until the above issues have been resolved. It is noted that the Applicant wishes to engage in further discussions with regards to the proposed financial contributions. KCC welcome these discussions, which are important to clarify before the holding objection can be lifted.

## **Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.**

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Yours Faithfully

**Director of Highways & Transportation**

\*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

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## Growth, Environment & Transport

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### BY EMAIL ONLY

23 November 2023

Dear Katherine,

**Re: Outline Planning Application for a proposed development at Land Surrounding Ebbsfleet United Football Club, bounded By Lower Road, Railway Line, Grove Road and The River Thames, Northfleet, Gravesend (Ref: 20221064)**

Thank you for consulting Kent County Council (KCC) on the outline planning application for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport / recreation / fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.

In summary, and after considering the revised application material, the County Council, as Minerals and Waste Planning Authority, raises an **objection** on the following grounds:

Minerals and Waste: The application has not demonstrated that it has met the exemption criteria of Policy DM 8 of the [Kent Minerals and Waste Local Plan 2013-30 \[Early Partial Review 2020\]](#) in relation to mineral and related infrastructure safeguarding, to the satisfaction of the County Council, as Minerals and Waste Planning Authority.

The County Council, as Local Highway Authority, raises a **holding objection** on the following grounds:

Highways and Transportation: The application fails to provide sufficient detail and consideration relating to the Road Safety Audit and the Fastrack link. Additional modelling and highway mitigation is required alongside necessary amendments to the Framework Travel Plan. In respect of the proposal for a tunnel, alternative options are required to be explored to address concerns relating to construction and maintenance liability.

Public Rights of Way (PRoW): The application does not sufficiently address the significant impacts of the proposed development on Public Footpath NU1 and the National Trail; including the adverse effect on user amenity and visual impacts. The proposed alternative PRoW routes that have been provided are not acceptable to the County Council.

The County Council has reviewed the planning application material and sets out its comments below:

### **Highways and Transportation**

The County Council, as Local Highway Authority has reviewed the Transport Assessment, Design Code and Technical Note 226728/N17 and continues to raise a holding objection on the application until the matters raised in this response are resolved.

#### Technical Note 226728/N17

The County Council notes and appreciates the confirmation that all units will be delivered in line with the County Council's design guidance (including emergency / secondary access points).

#### *Pedestrian and Cycle Routes*

The confirmation provided regarding the extension of the cycle route on Thames Way West, southbound towards the NU2 PROW connection (as shown on 226728/PD101/Rev A) is welcomed by the County Council, as Local Highway Authority.

With regard to the Road Safety Audit, the auditor requested additional crossing facilities at junctions, yet the locations are not shown in the appendices. The County Council questions whether this plan was included in the original report from the Auditor. In line with issue two, the location of the bus stops on Galley Hill Road must be reviewed, although this can be undertaken at Reserved Matters Application stage if required. Confirmation that this will be addressed at this stage is required.

With regard to the lack of pedestrian and cycle crossing to Station Road, the Note states "*There is a dedicated signalised pedestrian crossing point provided as part of the development proposals on the B2175 to facilitate access to location south of the carriageway*". The County Council questions whether this is referring to the crossing at Junction one. This is significantly off the desire line (approximately 200m detour). An



additional crossing should be provided so that a direct connection to Station Road can be made.

### *Junctions and Modelling*

There are a number of comments from the County Council Signals Team that remain outstanding, and the applicant proposes to address these at detailed design. This is considered acceptable to the County Council.

Drawing 226728/PD106 Rev A shows the distance between the Grove Road and Site Access priority junctions is 32m. The Kent Design Guide requires 60m for local distributor / district distributor roads and the plan should be revised to accommodate this. No dimension is shown for the distance between the B2175 and the car park access, but this is approximately 15m. The County Council requires a minimum of 20m between a minor arm and major road, but this may need to be increased further to prevent cars accessing the car park from backing up onto the B2175. As this junction is internal, this can be revised at detailed design if required, providing the parameter plans allow for relocation.

With regard to the right turn lanes for Grove Road and the Site Access, DMRB CD123 states “2.12 Priority junctions shall include a major road central treatment when the minor road flow exceeds 300 vehicles 2-way annual average daily traffic (AADT), or the major road flow exceeds 13,000 vehicles 2-way AADT”. The two minor arms are likely to attract over 300 two-way AADT trips each and therefore right turn bays are required.

The County Council is liaising with Jacobs regarding the reduction in turning movements and may provide further comments in due course and the County Council reserves the right to provide further commentary on this as may be necessary.

The additional modelling reflecting the Ebbsfleet Central junction proposals is welcome. However, the Thames Way / Tarmac junction has not been modelled and is required, particularly given the high PRC shown in the Ebbsfleet Central modelling outputs.

The junction modelling results show junction 8 (A226 London Road / A206 / B255) is predicted to operate over desired (and approaching theoretical) capacity during the weekday AM and PM peak periods with max RFCs of 0.94 and 0.98 and increased delays of 32 seconds and 60 seconds, respectively. Mitigation is therefore required for this junction and the County Council requests details of the proposals.

### *Fastrack*

The County Council welcomes the Fastrack link through the site as this will provide a high quality, high frequency service to site users, and also increase the attractiveness of the service. However, it is disappointing that the majority of the route will be shared with general traffic.

The Design Code shows ‘Secondary’ and ‘tertiary’ routes from Grove Road. Whilst the applicant has stated no vehicle route through to The Boulevard is proposed, the County

Council requests that further consideration during Reserved Matters application stage is given to a Fastrack only route at this location, to provide further time savings and in light of the uncertainty around the Galley Hill Road closure.

Drawing 226728/PD100/AT02 Rev A shows the swept path for the electric bus along the Fastrack route, along with forward visibility splays for the 90-degree corner. It was understood that the one-way working section would be on the Fastrack only route, yet the plan shows this will also incorporate the junction of Harbourside Drive. As this one-way working section of the highway will be used by both Fastrack buses and general vehicle traffic, northbound traffic would prevent Fastrack from continuing around the corner in the southbound direction and vice versa. Northbound vehicles would also not be aware that they need to allow room for a bus to manoeuvre around the bend, which could cause conflicts. In addition, the bus driver would only just be within the 25m forward visibility splay when they have to stop to allow room for an oncoming bus. As a result, the 43m splay would be required. The swept path shows the wheels of the bus over running the footway which is unacceptable. The one-way working section of the highway needs further consideration.

The tracking drawings show larger vehicles such as the Fastrack bus would need to use both lanes to turn into / out of the Grove Road junction. Not only could this impact traffic along the primary route, it could also delay Fastrack. The junction therefore needs to be widened to accommodate this manoeuvre.

#### *Framework Travel Plan (FTP)*

Confirmation of the provision of a fund to provide remedial measures, should the Travel Plan not achieve its targets, is welcomed. The amount should be agreed prior to the determination of the application. Further comments on the FTP are provided below.

#### Transport Assessment and Design Code

The County Council is not clear how the uses along the Boulevard (e.g hotel, offices etc.) are accessed by vehicles as the Design Code states this area is for buses and cycles only. However, this can be determined at Reserved Matters application stage if required.

Paragraph 5.63 states office trips have been reduced by 12% for internalisation. Evidence for this assumption is requested by the County Council.

During previous meetings with the County Council, the consultant stated a proportion of the food and beverage use would be behind the football stadium payline, thereby not attracting any additional trips. Confirmation is requested as to the amount behind the payline and how this has been taken account of.

It is unclear how many of the non-residential parking spaces will be allocated to / predicted to be occupied by the football stadium use. This element must be clarified to the County Council.

As the trip generation is based on a very low proportion of parking, the internal roads must be subject to parking restrictions, otherwise this could attract a higher number of trips than has been assessed and would also undermine the sustainable principles of the development.

Key internal junctions should be modelled during Reserved Matters application stage to ensure they are able to cope with the predicted demand.

### *Framework Travel Plan*

The Framework Travel Plan states “*Cycle parking will be provided in line with the required KCC cycle parking standards which seeks 1 space per unit for flats/maisonettes*”. The County Council considers that this is not enough for a site with 0.5 parking spaces and should be increased to one per bedroom.

The 10% reduction in single occupancy vehicle movements for both residential and commercial is shown as an increase, not a decrease.

The Action at 4.7 states “*To appoint a Travel Plan Co-Ordinator within first six months of occupation*”. The Travel Plan Coordinator must be appointed prior to occupation in order to implement the measures from day one, including the preparing and distribution of Travel Information Packs.

The County Council notes that any monitoring / surveys must include vehicle counts at all vehicle access points. Paragraph 4.11 says monitoring will be undertaken during years 1, 3 and 5 when monitoring will cease. This is not agreed by the County Council. Given the significant scale of the development, monitoring of the Travel Plan must be undertaken on an annual basis so that remedial measures can be implemented should they be required, and it should be made clear that they should continue until five years post full occupation of the site.

As previously requested, a Travel Plan Review Group (TRG) is required to be established. The TRG should consist of the Travel Plan Coordinator, members from the applicant’s team, the County Council and the Local Planning Authority, and should meet on an annual basis (or sooner) after each annual monitoring period in order to discuss the results and determine if any intervention is necessary and this must be secured accordingly.

The football stadium and other uses which breach the Travel Plan threshold will be required to have their own Travel Plan.

Furthermore, ‘Table 3: Action Plan for Travel Plan Measures’ should be updated to include the public transport tickets.

### *Structures*

There are numerous oversailing elements (i.e. structures overhanging public highway), which will need structures technical approval and an oversailing license. The County Council

considers that inadequate detail has been provided to identify each one so these will have to be revisited during Reserved Matters application stage.

The County Council does not consider that enough detail has been provided to identify where retaining elements may be and whether they need structures technical approval. This will need to be revisited when more detailed designs are available to identify what may need approval. The above statement can also be applied to other structural elements.

The County Council notes that statements made in the Design Code appear to directly contradict the tunnel design standards. All schemes need to be designed in line with the relevant standards.

Tunnels have numerous legal requirements that need to be met such as ventilation, fire suppression and lighting requirements. It is considered that this would lead the proposal to be far greater in scope than has been anticipated by the applicant. Once constructed, they also often incur high running and maintenance costs, which would fall to the County Council. As a result, the County Council seeks to avoid tunnels where possible, especially where suitable alternatives are available. As requested during a previous meeting with the County Council and the applicant's consultants, alternative options should be explored such as a podium style construction which would leave the sides open and reduce the construction and maintenance liability.

### **Public Rights of Way (PRoW)**

The County Council, in respect of Public Rights of Way (PRoW), would like to bring to the applicant's attention the existence of Public Footpaths NU1, NU44 and National Trail, the King Charles III Coast Path (KC3CP), which are directly affected by the development proposals. The Footpaths are identified on the extract of the Network Map of Kent in Appendix 1. The Network Map is a working copy of the Definitive Map. The existence of the right of way is a material consideration and the Definitive Map provides conclusive evidence in law of the existence and alignment of PRoW. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

The National Trail is a leisure opportunity of considerable importance to both Gravesham and Kent, use of which is only going to grow in the future and is heavily promoted on a national level.

As a general statement, the County Council is keen to ensure that its interests are represented within the local policy frameworks of the districts in Kent. The County Council is committed to working in partnership with the Borough Council to achieve the aims contained within the [Rights of Way Improvement Plan](#) which relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

The County Council continues to be disappointed with the application in respect of PRoW. The impact of the proposals on both the Public Footpath and the KC3CP will be significant

and the application is not considered by the County Council to go far enough in addressing this. The alternative routes are not acceptable as proposed and the County Council considers that the PRow issues cannot be determined at a later Reserved Matters stage. In respect of PRow, the County Council maintains its **holding objection** on this application until these issues are fully addressed and resolved.

### Transport Assessment Addendum

#### *Public Footpath NU1*

The proposed diversion route as shown on Fig. 4.4 is not ideal, due to the multiple routes proposed for this section. The County Council would advise that the route of the PRow, the KC3CP and the development pedestrian route are on the same alignment, making a convenient and direct route to avoid duplication and reduce maintenance. The blue dashed line on Fig. 4.4 is the suggested alignment with this route recorded PRow NU1 and the National Trail.

#### *Public Footpath NU44*

The County Council considers that the proposed diversion route is not ideal as it appears to run between (the rear?) of the retail units and the existing house gardens, in a narrow space (although, it is noted that Fig. 4.4 is not detailed, nor to scale). The route should be within a green, open and attractive to use space with natural surveillance for reasons of public user safety. The County Council also require details / confirmation regarding the route of DS27 which currently connects to NU44 as to how this route fits into the application design. The applicant should note that lighting does not come under the remit of the County Council, but the Local Authority i.e. Gravesham Borough Council.

#### *Public Footpath NU2*

The reference to the Footpath following “a similar alignment to the existing route” requires urgent clarification, as any deviation from the existing alignment will require a legal diversion. The Public Footpath requires a definitive route, rather than just a general direction through the public realm as is suggested.

#### *KC3CP (previously England Coast Path)*

The County Council is aware the applicant is consulting directly with the National Trails Officer, who works in partnership with the County Council regarding the National Trail. Where the route is East of the site, the County Council supports the Trails Officer regarding utilising the green space to realign the route. The eastern section of the proposed re-alignment is an unappealing, indirect route with sharp turns that passes between buildings. To address this, it is requested that the new route connects to the adjacent Northfleet development via Robins Creek and passes along the proposed pedestrian route through green space. This link would establish a direct connection between two major development areas, providing significant opportunities for active travel and outdoor recreation. With regards to the northwest section of the site, the proposed cluster of paths should be

consolidated, with the KC3CP on the alignment of a PRow that is direct and convenient to use. This approach would avoid a duplication of routes and minimise the burden of path maintenance.

Also, the applicant should be aware that the KC3CP is not a PRow, but a National Trail as previously advised, and therefore references (e.g. at paragraph 4.34) require amendment as these are currently legally incorrect.

The County Council notes that a PRow Scheme of Management is to be conditioned, detailing the PRow affected, including the England Coast Path, to cover diversion procedure to enable a timely and legal delivery of any development; construction management, (routes must remain open and safe for public use); width, surface, signage on completion; any phasing must ensure the delivery of infrastructure to support the development.

### Section 106 (S106) / Contributions

The County Council recognises that there is no mention of the wider PRow network within the 'Green Transport and Highways element of the section 106 Agreement Heads of Terms. This should be amended as the County Council would request contributions as mitigation for the impact of the development on the PRow and to provide improvements to the wider connectivity. This is in line with the KCC ROWIP, a statutory KCC policy. The County Council considers that mitigation in the form proposed of new signage, planting and drop kerb crossings is not considered appropriate or sufficient.

The County Council notes the Gravesham Borough Council request for improvements to Public Footpath DS17, which is supported. For the off-site routes, the County Council would include in the section 106 request would be NU2 to its connection with DS17, DS17 and NU1. Estimated costs are to be provided.

The County Council would also draw attention to the following:

- No furniture, fence, barrier or other structure may be erected on or across PRow without the express consent of the Local Highway Authority.
- There must be no disturbance of the surface of the PRow, or obstruction of its use, either during or following any approved development without the express consent of the Local Highway Authority.
- No hedging or shrubs should be planted within 1 metre of the edge of the PRow.
- Any planning consent given confers no consent or right to close or divert any PRow at any time without the express permission of the Local Highway Authority.
- No Traffic Regulation Orders will be granted by the Local Highway Authority for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, the County Council would need six weeks notice to process this.

## Development Investment

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution. A summary of the projects serving the development and proportionate contributions requested is set out in Table 1.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Table 1 – Contribution Request Summary

	<b>Per Applicable House (0)</b>	<b>Per applicable flat (1589)</b>	<b>Total</b>	<b>Project</b>
<b>Primary Education</b>	£7,081.20	£1,770.30	£2,813,006.70	Towards the replacement of Rosherville Primary and/or a new primary in the Northfleet Planning Group
<b>Secondary Education</b>	£5,587.19	£1,396.80	£2,219,515.20	Towards a new secondary school within the Gravesham non-selective and selective planning groups
<b>Secondary Land</b>	£4,030.29	£1,007.57	£1,601,033.12	Towards secondary school land within the Gravesham non-selective and selective planning groups
<b>Special Education Needs &amp; Disabilities</b>	£559.83	£139.96	£222,396.44	Towards a SEND school within the KCC North Kent

(SEND)				Education Area
Special Education Needs & Disabilities (SEND) - Land	£365.16	£89.63	£142,420.47	Towards a SEND school land within the KCC North Kent Education Area

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation.

	Per Dwelling (x3,500)	Total	Project
Community Learning and Skills	£34.21	£119,735.00	Additional equipment and resources for adult education centres serving the development, including outreach provision.
Integrated Children's Services (assumes 1,911 non-applicable – confirmation is sought on this matter)	£74.05	£117,665.45	Towards additional equipment and resources for the Integrated Children's Services in Gravesham
Library, Registrations and Archives Service	£62.63	£219,205.00	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development including Gravesend, The Hive and Swanscombe
Adult Social Care	£180.88	£633,080.00	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the Borough
	All Homes built as <b>Wheelchair Accessible &amp; Adaptable Dwellings</b> in accordance with Building Regs Part M 4 (2)		
Waste	£194.13	£679,455.00	Towards Ebbsfleet Waste Transfer Station and HWRC
Highways, PRow, SUDS, Ecology, Heritage Conservation & Minerals.	<i>Please note other KCC Service areas may respond separately</i>		



Please note that these figures:

- are to be index linked by the All-In Tender Price Index from Q1 2022 to the date of payment.
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

#### Justification for Infrastructure Provision/Development Contributions Requested

The Developer Contributions Guide has been approved as County Council policy. Information on the areas KCC will seek for, contribution rates, methodology for calculation and policy justification are contained within the Guide and can be viewed [here](#).

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the attached appendices.

#### Education

Kent County Council is the Statutory Authority for education and is the Strategic Commissioner of Education Provision.

This proposal has been assessed in accordance with the KCC Developer Contributions Guide methodology of assessment. This assessment will start with the forecast capacity of existing schools, taking in to account existing cohorts, the pre-school aged population, historic migration patterns and new residential developments in the locality.

Contributions are sought based upon the additional need required, where the forecast pupil product from new developments in the locality results in the maximum capacity of local schools being exceeded.

#### Primary Education

The proposal gives rise to an additional 111 primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 2a. Financial contributions towards construction will be for the projects identified in Table 1.

#### Secondary School Provision

The proposal is projected to give rise to an additional 79 secondary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 2a. Financial contributions towards construction and land acquisition will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

The land acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

### Special Education Needs and Disabilities Provision

The Children's and Families Act 2014, Equality Act 2010 and Children and Families Act 2014 sets out the County Council's responsibilities for children and young people with Special Educational Needs and Disabilities (SEND) aged 0-25 years. KCC's [SEND Strategy \(2021-2024\)](#) sets out its vision and priorities in respect of this area of its service.

Children with more complex needs are supported through an ECHPs which sets out the provision they are entitled to. School-age pupils with ECHPs are educated in mainstream school classes, in Specialist Resourced Provisions (SRPs) on mainstream sites and in stand-alone special needs schools.

### *Mitigation of Need*

This proposal gives rise to additional pupils with Education and Health Care Plans (EHCPs) requiring extra support through specialist provision. All SEND infrastructure in Kent is currently at capacity.

A proportionate contribution is therefore required to mitigate the impact from the development through the provision of additional SEND places as identified in Table 1.

### Provision of Education Places

Please note that the process of determining education places will be kept under review and may be subject to change (including possible locational change). The Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure, generally in accordance with its [Commissioning Plan for Education Provision 2023-27](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

### Early Years Education and Childcare

KCC aims to secure a sufficient long-term supply of sustainable, high-quality early years and childcare provision. It works with existing and potential providers to encourage additional provision where required, whether for Free Entitlements and/or parent/carer funded places.

Where a new 2 Form Entry Primary School is delivered, according to the Education and Skills Funding Agency (ESFA) Baseline Design, the design should include a 26-place

nursery. This cost is included in the primary education new-build contribution rates for houses and flats and is therefore not subject to additional contributions.

We request that consideration is also given to the provision of space for additional private nursery premises either through a community or commercial building within the proposed development.

### Community Learning and Skills

KCC provides Community Learning and Skills (CLS) facilities and services in line with [Framing Kent's Future – Our Council Strategy 2022/2026](#) (Priority 1 – Levelling Up Kent and Priority 2 – Infrastructure For Communities).

Appendix 2b provides detail of; the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

### Integrated Children's Service – Youth Service/Early Years Service

KCC has a statutory duty to provide Youth Services under section 507B of the Education Act 1996 and the statutory guidance '[Working Together to Safeguard Children](#)'.

Appendix 2b provides detail of; the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

### Library, Registrations and Archives Service

Under the [Public Libraries and Museums Act 1964](#), KCC has a statutory duty to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

There is an assessed shortfall in provision for this service. Borrower numbers are in excess of capacity, and book stock in Gravesham is currently at 915 items per 1,000 population, which is below the national standard of 1,532.

An evaluation of the impact of this development is shown in Appendix 2b. The appendix demonstrates; the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

### Adult Social Care

The proposed development will result in additional demand upon Adult Social Care Services (ASC), including older persons and adults with Learning/Neurodevelopmental/Physical Disabilities and Mental Health Conditions.

Appendix 2c provides detail of the current shortfall in the provision of this service, and also explains the statutory duty upon KCC to provide Adult Social Care services. The appendix

demonstrates; the demand generated by the application, the projects serving the development and proportionate cost requested to mitigate the impact arising from this development. Table 1 also identifies the mitigating projects serving the development.

The Department for Levelling Up, Housing and Communities identified in June 2019 guidance [Housing for older and disabled people](#), that the need to provide housing for older and disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely. KCC requests these dwellings are built to Building Regulations Part M4(2) standard (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

### Waste Disposal and Recycling

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste. Appendix 2d provides detail of the current shortfall in the provision of this service, the demand generated by the application and also explains the statutory duty upon KCC.

The appendix demonstrates the projects serving the development and proportionate cost requested to mitigate the impact arising from this development, and accommodate the increased waste throughput within the Borough. Table 1 also identifies the mitigating projects serving the development.

### Implementation

The above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal. The Local Planning Authority is requested to seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement. Additionally, a County Council monitoring fee of £300 for each trigger point identified for County contributions within the Agreement is also required, irrespective of whether or not the County Council are party to the agreement.

Any section 106 or unilateral undertaking containing contributions for KCC services should be shared with the authority via the [Developer.Contributions@kent.gov.uk](mailto:Developer.Contributions@kent.gov.uk) email address prior to its finalisation.

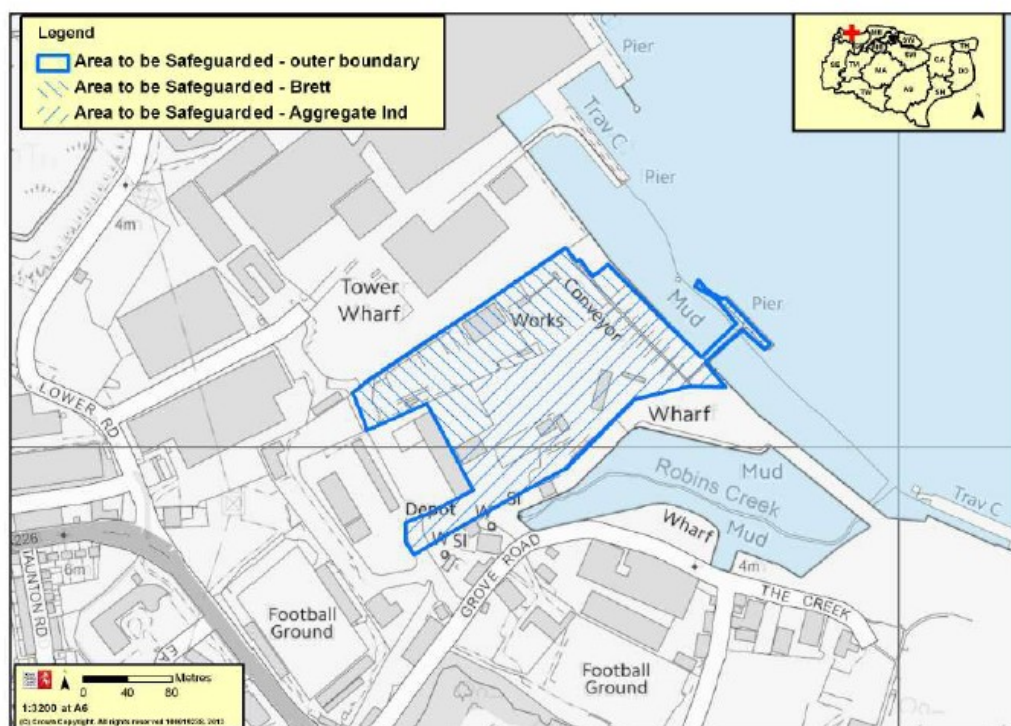
If the Borough Council does not consider the contributions requested to be fair, reasonable, compliant with CIL Regulation 122 or supported for payment, it is requested that the Borough Council notifies KCC immediately and allow at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision-making process in advance of the Committee report being prepared and the application being determined.

## Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, has focused commentary within this response on matters relating to the mineral importation (wharf) facility safeguarding, with reference to the Mineral Infrastructure Assessment - Response August 2023 (MIA), prepared by Wardell Armstrong. The County Council would also draw attention to commentary raised within its previous response (Appendix 3) which remains of relevance.

The mineral importation (wharf) facility that is of concern is Robins Wharf, at Northfleet. It is identified as Site G in the [Kent Minerals and Waste Local Plan 2013-30 \[Early Partial Review 2020\]](#) (KMWLP) as shown below:

**Site G: Robins Wharf, Northfleet**



As a permitted mineral importation facility, the site is safeguarded pursuant to Policy CSM 6: Safeguarded Wharves and Rail Depots of the KMWLP. The proposed development would result in a direct loss of the safeguarded wharf – which is acknowledged by the applicant. The MIA seeks to invoke an exemption from the presumption to safeguard with reference to Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities.

The policy contains a number of exemption criteria, only one of which need be successfully invoked to gain an exemption from the safeguarding presumption of Policy CSM 6. The MIA prepared for the applicant sets out two Policy DM 8 criterion-based arguments to seek an exemption. They are criterion 6 and 7. The County Council, as Minerals and Waste Planning Authority provides commentary below on the MIA's arguments for each criterion in turn.

Criterion 6 –material considerations indicate that the need for the development overrides the presumption for safeguarding

The County Council notes that whilst this is a matter that Gravesham Borough Council as the determining authority will have to come to a view on, it reminds all parties that the adopted Kent Mineral and Waste Local Plan forms part of the Development Plan. The Mineral Planning Authority provides commentary below on the case that the applicant makes to meet the requirements of the criterion to aid consideration of the application.

The MIA cites beneficial employment impacts both during construction, and upon completion. These economic impacts, and the educational, health and regenerative impacts of increasing the local housing supply are proposed to occur outside Gravesham's adopted Local Plan's Key Sites (Policies CS03-CS06, CS21), where regenerative development has been identified as appropriately located.

Therefore, the contention that unless the proposal is permitted and implemented, the regenerative benefit of the proposals will be lost, thus justifying losing the safeguarded facility, is not an argument that is consistent with the opportunities that exist within the Borough Council's identified Local Plan Strategy – Key Sites. If these key site areas were fully developed, and there remained a housing land supply deficit, then the argument may hold some weight as a justification to override the presumption to safeguard the wharf. However, this is understood to not be the case. Therefore, it is considered that exemption criterion 6 of Policy DM 8 of the KMWLP has not been convincingly argued and on that basis, an exemption on the basis of an 'overriding need' has not been made

Criterion 7 – whether the capacity of the minerals infrastructure facility to be lost is required

The MIA essentially makes two assertions with regard to this exemption criteria, they are:

1. The wharf and jetty are limited in being too small [ the amended MIA states Robin's Wharf is "*relatively limited in size at around 100 metres*".] for the current trend towards larger vessels [103.5 metres in length with a draft of 5 metres], in both jetty length and depth or draft at mooring, to be an important needed facility into the future; and
2. The capacity headroom in the Kent wharves is considerable and therefore there is no need to specifically safeguard this facility, any additional importation can be accommodated elsewhere in Kent.

Both points to be seen against the significant socio-economic benefits that the proposed mixed-use development presents, essentially the argument to satisfy criterion 6 of the policy. The contention is that the evidence submitted demonstrates exemption criterion 7 of policy DM 8 has been met.

With regards to point 1, that the facility itself is too limited by size and depth to be important into the future should be afforded limited weight. The County Council considers that the case argued is flawed. In the Northfleet area itself, there are two other wharves (Northfleet Wharf & Clubbs Marine Terminal) with a length of 100m, and according to advice from the

Port of London Authority there are also very few wharves in the south east region on the Tidal Thames that have a berth greater than 150m. Moreover, the amended MIA, along with the other submitted documents do not give any robust consideration as to the potential to conduct works to expand operations at the wharf if required in the future. For example, if need be, the jetty could potentially be lengthened and dredging operations could be conducted to allow deeper and longer vessels to access the facility to overcome this. The County Council as Minerals and Waste Planning Authority, regard the amended MIA assertions on the technical limitations of the safeguarded facility as being untested and therefore unreliable.

With regards to point 2, which considers that there is significant existing headroom in Kent's wharves and there is no need to retain the safeguarded facility – this point fails to consider the difference between efficient operational capacity and theoretical maximum permitted capacity, and the market area in which the Kent mineral importation wharves serve.

The amended MIA quotes the Kent Local Aggregate Assessment (LAA 2022) that there is between 2.47 and 2.85mtpa of surplus capacity out of a total theoretical capacity of 6.34 to 7.3mtpa. These latter figures, in terms of the total available capacity are the maximum estimated capacity, with no headroom. It is recognised that any importation facility would not operate at its maximum operational capacity for all of the time (planning permission permitting) thus this upper limit is not a true representation of exactly what is available across Kent. Some facilities are older than others, thus requiring more maintenance, and if pushed to their maximum permitted levels (recognising that a number of wharf sites have 24 hours permitted operational flexibility) it would be the case that 'down time' due to necessary maintenance would increase. Though it is somewhat difficult to estimate what is the maximum efficient operational capacity, it is flawed to conclude that the 2.47 to 2.85mtpa of additional capacity is simply available to take up the loss of Robins Wharf (estimated by the amended MIA as 304,000 tpa). Furthermore to conclude its loss is 'inconsequential in significance' is unsound and ignores the operational factors that may limit the ability of the other mineral wharves in the area to maintain adequate supply of minerals and mineral related products.

Moreover, this point needs to be considered in terms of the markets the Kent wharves serve. The conglomeration of wharves with permitted mineral importation in the Northfleet area serve the North Kent and London markets, and this is illustrated by the following table supplied by Aggregate Industries [a co-operator at Robins Wharf] for aggregate and associated coated stone products [in tonnes as a %] supplied to the markets in 2021 and 2022 [reproduced by permission]:

<b>Asphalt</b>	<b>2021</b>	<b>2022</b>
<b>County</b>	<b>Proportion</b>	<b>Proportion</b>
Bedfordshire (BD)	2.03%	1.36%
Berkshire (BK)	0.90%	1.47%
Buckinghamshire (BU)	0.83%	1.65%
Cambridgeshire (CA)	0.17%	0.25%
East Sussex (ES)	0.58%	3.80%
Essex (EX)	20.03%	28.97%
Hampshire (HA)	0.22%	1.25%
Hertfordshire (HE)	1.35%	4.48%
London (LO)	54.49%	38.82%
Kent (KE)	12.19%	11.52%
Oxfordshire (OX)	0.06%	0.14%
Suffolk (SU)	0.06%	0.02%
Surrey (SR)	4.28%	4.31%
West Sussex (WS)	2.82%	1.96%
Total	100.00%	100.00%

<b>Aggregates</b>	<b>2021</b>	<b>2022</b>
<b>County</b>	<b>Proportion</b>	<b>Proportion</b>
Buckinghamshire (BU)	3.33%	0.89%
Essex (EX)	0.00%	9.08%
London (LO)	82.77%	64.91%
Kent (KE)	0.24%	0.00%
West Sussex (WS)	13.66%	25.12%
Total	100.00%	100.00%

In both cases, Kent is not the main market, only 0.24% of aggregates and 12.19% of coated stone products went to Kent. The vast majority of both went to the London markets. Therefore, if the entire wharf facility were to be lost, this operator (and in all probability a similar distribution exists for aggregates and concrete products supplied by the other operator that shares the facility) would be unable to supply this mineral based product to both the North Kent area and London. This would reduce the efficiency and sustainability of the supply of these mineral based products, as other, more distant facilities would have to compensate for their loss.

Given the cost inducing matters of distance and the planning policy support for the safeguarded wharves, it is contended that it is somewhat irrelevant what extra headroom mineral importation capacity exists at the other Kent importation wharves at Iwade, Whitstable, Ramsgate, Dover and those in Medway. So, removal of operational capacity that may be insignificant from a whole of Kent perspective, at Robins Wharf, would in all probability be highly significant in the context of the North Kent and London markets. Therefore, in the drive towards higher levels of sustainability, the safeguarding of proximate mineral importation capacity (that this site is important for) will remain important in Kent, and



this is entirely in accordance with the National Planning Policy Framework (NPPF) Section 17 Facilitating the sustainable use of minerals, paragraph. 210 e).

The County Council, as Minerals and Waste Planning Authority therefore considers that the requirement of exemption criterion 7 has not been satisfactorily met. The facility is not of an out-of-date specification, and even if it were, enlargement and dredging could mitigate any physical disadvantages. The Kent wide capacity has a degree of unused headroom, though to apply that in a binary fashion ignores the matter of distance that would occur if the facility were to be lost. Any 'headroom' from the other wharves identified above would likely to be irrelevant to the markets Robins Wharf serves and its loss would put an added strain on the other mineral importation wharves at Northfleet and its environments, in a manner that may not simply be 'made good'. Moreover, the facility has important ancillary mineral infrastructure capacity in both concrete and coated stone production, facilities that not all the safeguarded wharf sites have.. If the safeguarded facility were to be lost the capacity in terms of these high value mineral products and mineral importation would be very difficult to replace, and undermine the mineral strategy in the adopted Mineral and Waste Local Plan.

### Conclusion

In conclusion, the County Council, as Mineral and Waste Planning Authority is not persuaded that the application has satisfactorily demonstrated that the safeguarding exemptions set out in policy DM 8 of the adopted Kent Minerals and Waste Local; Plan have been met. The development is therefore contrary to the Development Plan and the grant of planning permission would undermine the County's Mineral Planning Strategy. The wharves provide a critical part of the Mineral Strategy providing importation facilities for a wide range of mineral products to Kent, London and the wider south-east. Whilst land-won minerals are worked in the county they do not fully provide the mineral resources needed in the region. The safeguarded wharves play an important and complementary role for land won resources. Furthermore, the proposal does not accord with the regeneration provisions of the adopted Gravesham Local Plan Core Strategy and Local Plan Policies Map 2014 and it is contended that other areas identified as 'Key Sites' for regeneration development remain available. Therefore, the test of the need for the development does not outweigh the presumption to safeguard the mineral importation facility. With regard to the case put forward to invoke exemption criterion 7 of Policy DM 8, it fails to have sufficient regard to the importance of the facility to the North Kent and London markets for mineral (aggregate) supply and for coated stone and concrete product manufacture. The applicant's case is incorrect in considering the wharf and jetty technically obsolete even with the potential use of larger vessels, and a simple binary application of Kent's mineral importation capacity 'headroom' ignores the matter of distance, and that operational capacity is not the same as maximum permitted capacity. The loss of the facility is considered by the Mineral Planning Authority as irreplaceable. The applicant has not identified any suitable alternative sites in the locality.

The County Council, therefore, objects to the application on mineral safeguarding grounds. The Council understands that the Port of London Authority and the Minerals Products Association have raised similar objections underlining the significance of the mineral

wharves and the consequential loss of the safeguarded facility as a result of this development.

### **Sustainable Urban Drainage Systems (SuDS)**

The County Council, as Lead Local Flood Authority, provided comments direct to Gravesham Borough Council on 26 September 2023 (Appendix 4).

### **Heritage Conservation**

The County Council provided comments direct to Gravesham Borough Council on 2 October 2023 (Appendix 5).

### **Biodiversity**

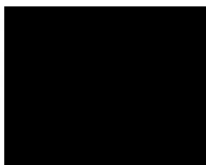
The County Council provided comments direct to Gravesham Borough Council on 1 November 2023 (Appendix 6).

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The County Council will continue to work closely with Gravesham Borough Council to help to ensure the delivery of new housing and infrastructure in response to local needs. The County Council will welcome further engagement with Gravesham Borough Council and the applicant on the matters raised in this response.

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

Yours sincerely,



**Simon Jones**  
**Corporate Director, Growth Environment and Transport**

Enc.

Appendix 1: Extract of the Network Map

Appendix 2a: Education Assessment and New School Land Costs 2023

Appendix 2b: Communities Assessment (2023)

Appendix 2c: Social Care Assessment (2023)

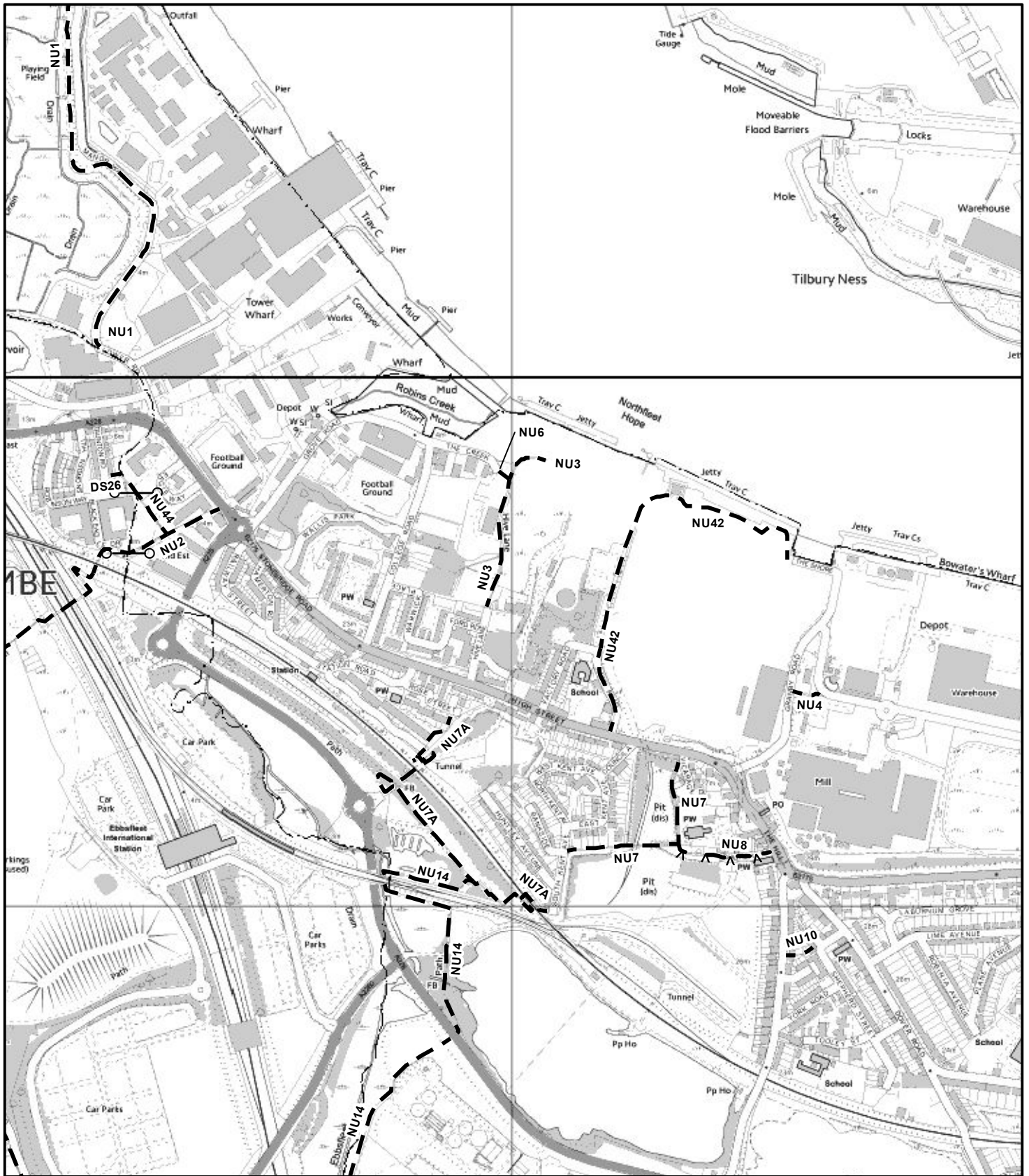
Appendix 2d: Waste Assessment (2023)

Appendix 3: Kent County Council response dated 10.02.2023

Appendix 4: Lead Local Flood Authority commentary - provided direct to the LPA on 26.09.2023

Appendix 5: KCC Heritage Conservation commentary – provided direct to the LPA on 02.10.2023

Appendix 6: KCC Biodiversity commentary - provided direct to the LPA on 01.11.2023



- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic
- Point path number or status changes
- Boundary of area covered by 1:2500 scale Network Map
- Area covered by 1:2500 scale Network Map

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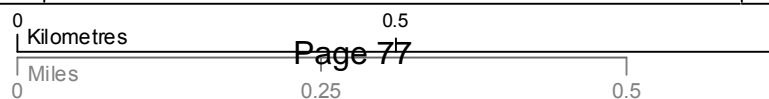
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## Education Build and Land Contributions

### Appendix 1a

Site Name	Land Surrounding Ebbsfleet United Football
Reference No.	GR20221064
District	Gravesham

	Houses	Flats	Total
<b>Unit Numbers</b>	<b>0</b>	<b>1589</b>	<b>1589</b>

Primary Education			
		<b>Per house</b>	<b>Per flat</b>
<i>Primary pupil generation rate</i>		<b>0.28</b>	<b>0.07</b>
<b>New Primary Pupils generated from this development</b>			<b>111</b>
New Primary School build contribution			
	<b>per Pupil</b>	<b>per House</b>	<b>per Flat</b>
<i>New Build Rate</i>	<b>£25,289.80</b>	<b>£7,081.20</b>	<b>£1,770.30</b>
<b>Contribution requested towards New Primary School Build</b>			<b>£2,813,006.70</b>

Secondary Education			
		<b>Per house</b>	<b>Per flat</b>
<i>Secondary pupil generation rate</i>		<b>0.20</b>	<b>0.05</b>
<b>New Secondary Pupils generated from this development</b>			<b>79</b>
New Secondary School build contribution			
	<b>per Pupil</b>	<b>per House</b>	<b>per Flat</b>
<i>New Build Rate</i>	<b>£27,935.95</b>	<b>£5,587.19</b>	<b>£1,396.80</b>
<b>Contribution requested towards New Secondary School Build</b>			<b>£2,219,515.20</b>
New Secondary School site contribution			
Residential Land Price per acre for Gravesham			£917,458
	<b>Pupils</b>	<b>Hectares</b>	<b>Acres</b>
<i>6FE Secondary School</i>	<b>900</b>	<b>8.00</b>	19.768
	<b>per Pupil</b>	<b>per House</b>	<b>per Flat</b>
<i>Land Rate</i>	<b>£20,151.46</b>	<b>£4,030.29</b>	<b>£1,007.57</b>
Total = Secondary School Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New Secondary School) = 19.768 x 917458 x (79.45 / 900)			
<b>Contribution requested towards New Secondary School Site</b>			<b>£1,601,033.12</b>
<b>Total Secondary Education Build and Land contribution</b>			<b>£3,820,548.32</b>

## Education Build and Land Contributions

### Appendix 1a

Site Name	Land Surrounding Ebbsfleet United Football
Reference No.	GR20221064
District	Gravesham

	Houses	Flats	Total
<b>Unit Numbers</b>	<b>0</b>	<b>1589</b>	<b>1589</b>

Special Education Needs			
		<b>Per house</b>	<b>Per flat</b>
SEN pupil generation rate		0.0110	0.0027
<b>New SEN Pupils generated from this development</b>			<b>4</b>
<b>New Special Educational Needs build contribution</b>			
	<b>per Pupil</b>	<b>per House</b>	<b>per Flat</b>
New Build/Expansion Rate	£50,893.35	£559.83	£139.96
<b>Contribution requested towards New SEN School Build</b>			<b>£222,396.44</b>
<b>New Special Educational Needs site contribution</b>			
Residential Land Price per acre for Gravesham			£917,458
	<b>Pupils</b>	<b>Hectares</b>	<b>Acres</b>
Special Educational Needs School	140	2.05	5.06555
	<b>per Pupil</b>	<b>per House</b>	<b>per Flat</b>
Land Rate	£33,195.92	£365.16	£89.63
Total = Special Educational Needs Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New SEN School) = 5.06555 x 917458 x (4.2903 / 140)			
<b>Contribution requested towards New SEN School Site</b>			<b>£142,420.47</b>
<b>Total SEN Build and Land contribution</b>			<b>£364,816.91</b>

#### Notes

Costs above will vary dependant upon land price at the date of transfer of the school site to KCC  
 Totals above will vary if development mix changes and land prices change

## Land Price Per Acre

Enter the land price per acre for each district here. These will be automatically picked up by Appendix 1A when a district is selected from the drop down. Note there is a value for both Primary and Secondary

District	Primary Land Price	Secondary Land Price
Ashford	£802,775	£802,775
Canterbury	£1,146,822	£1,146,822
Dartford	£917,458	£917,458
Dover	£573,411	£573,411
EDC	£917,458	£917,458
Folkestone and Hythe	£642,220	£642,220
Gravesham	£917,458	£917,458
Maidstone	£917,458	£917,458
Sevenoaks	£1,146,822	£1,146,822
Swale	£688,093	£688,093
Thanet	£530,503	£530,503
Tonbridge and Malling	£1,089,481	£1,089,481
Tunbridge Wells	£1,146,822	£1,146,822

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**KCC developer contribution assessment for Primary Education**

<b>District:</b>	Gravesham	<b>1-bed:</b>	1911
<b>Site:</b>	Land Surrounding Ebbsfleet United Football Club, Bounded By Lower Road, Railway Line, Grove Road And The River Thames, Northfleet, Gravesend	<b>Houses:</b>	0
<b>Plan ref:</b>	GR2022 1064	<b>Flats:</b>	1589
<b>Date:</b>	01/12/2022	<b>Total units:</b>	3500

Current and forecast pupils on roll for schools within		Northfleet planning group										
DFE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
2116	Lawn Primary School	188	197	201	214	217	219	217	216	215	211	207
2107	Rosherville CE Primary Academy	138	139	142	146	149	149	149	146	145	142	140
5210	St. Botolph's CE Primary School	452	426	433	441	446	450	446	441	438	433	426
5222	St. Joseph's RC Primary School (Northfleet)	209	212	216	219	222	227	228	231	232	234	235
Current and forecast pupils on roll (excluding the expected pupil product from new developments)		987	975	992	1,020	1,034	1,045	1,040	1,034	1,030	1,021	1,008
Required capacity to maintain 2% surplus capacity		1,007	994	1,013	1,040	1,055	1,066	1,061	1,055	1,051	1,041	1,029

Current and forecast capacity for schools within		Northfleet planning group										
DFE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
2116	Lawn Primary School	210	210	210	210	210	210	210	210	210	210	210
2107	Rosherville CE Primary Academy	140	140	140	140	140	140	140	140	140	140	140
5210	St. Botolph's CE Primary School	450	420	420	420	420	420	420	420	420	420	420
5222	St. Joseph's RC Primary School (Northfleet)	210	210	210	210	210	210	210	210	210	210	210
Current and forecast capacity (1)		1,010	980	980	980	980	980	980	980	980	980	980

(1) including expansion projects at **existing schools** that have successfully passed through statutory processes but may not yet be complete

Expected pupil product from new developments within		Northfleet planning group		
Planning reference	Development	Houses	Flats	Primary product
GR20220431	Former Site Of Fox And Hounds PH, 26 - 27, London Road Northfleet, GRAVESEND	0	4	0
GR20180764	Land North of Dover Road Northfleet Gravesend (S106)	27	0	0
EDC/17/0038	Northfleet Embankment East Crete Hall Road Northfleet Gravesend Kent (S106)	206	278	0
New developments within the planning area		233	282	0
This development		0	1,589	111

Assessment summary											
Detail	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
Surplus / (deficit) capacity (excluding the expected pupil product from new developments)	3	-14	-33	-60	-75	-86	-81	-75	-71	-61	-49
Expected pupil product from new developments	0	0	0	0	0	0	0	0	0	0	0
Surplus / (deficit) capacity including the expected pupil product from new developments	3	-15	-33	-61	-75	-87	-81	-76	-71	-62	-49
Expected pupil product from this development	111	111	111	111	111	111	111	111	111	111	111
Surplus / (deficit) capacity including the expected pupil product from new developments and this development	-109	-126	-144	-172	-187	-198	-192	-187	-183	-173	-160
Expected pupil product from this development that on current plans for school provision <b>cannot be accommodated</b>	109	111	111	111	111	111	111	111	111	111	111

**Background notes:**

Pupil forecasts 2022 employed from September 2022. Incorporating roll data from Schools Census Autumn 2021. Data from the Health Authority includes pre-school children born up to 31st August 2021. Forecasts use trend data over the previous three years.

**Expected pupil product from new developments within the planning area**

Where a section 106 agreement has been secured for a development that includes education contributions (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

**KCC developer contribution assessment for Secondary (Years 7-11) Education**

<b>District:</b>	Gravesham	<b>1-bed:</b>	1911
<b>Site:</b>	Land Surrounding Ebbsfleet United Football Club, Bounded By Lower Road, Railway Line, Grove Road And The River Thames, Northfleet, Gravesham	<b>Houses:</b>	0
<b>Plan ref:</b>	GR2022 1064	<b>Flats:</b>	1589
<b>Date:</b>	01/12/2022	<b>Total units:</b>	3500

Current and forecast pupils on roll for schools within		Gravesham and Longfield non-selective and selective planning group										
DfE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
6914	Longfield Academy	887	906	947	977	990	1,010	1,028	1,046	1,059	1,065	1,054
5465	Gravesham Grammar School	990	1,030	1,089	1,130	1,146	1,162	1,190	1,193	1,204	1,201	1,196
5467	Mayfield Grammar School	996	1,021	1,073	1,110	1,137	1,150	1,177	1,180	1,190	1,185	1,179
4004	Meopham School	869	883	913	929	951	949	963	967	984	977	973
4040	Northfleet School for Girls	928	997	1,046	1,067	1,097	1,131	1,160	1,172	1,187	1,192	1,198
5456	Northfleet Technology College	787	787	813	825	865	886	907	912	918	915	912
5404	St. George's CE School	978	1,007	1,034	1,083	1,107	1,123	1,146	1,144	1,144	1,134	1,123
5461	St. John's Catholic Comprehensive School	961	960	1,007	1,015	1,041	1,057	1,085	1,081	1,078	1,070	1,057
5407	Thamesview School	875	858	883	869	899	903	927	919	914	907	893
Current and forecast pupils on roll (excluding the expected pupil product from new developments)		8,271	8,451	8,806	9,005	9,232	9,370	9,583	9,612	9,679	9,647	9,586
Required capacity to maintain 2% surplus capacity		8,440	8,624	8,986	9,189	9,421	9,562	9,779	9,808	9,877	9,843	9,781

Current and forecast capacity for schools within		Gravesham and Longfield non-selective and selective planning group										
DfE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
6914	Longfield Academy	900	900	900	900	900	900	900	900	900	900	900
5465	Gravesham Grammar School	942	978	1,014	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
5467	Mayfield Grammar School	950	990	1,020	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
4004	Meopham School	880	910	940	970	1,000	1,000	1,000	1,000	1,000	1,000	1,000
4040	Northfleet School for Girls	1,015	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
5456	Northfleet Technology College	820	820	820	820	820	820	820	820	820	820	820
5404	St. George's CE School	990	1,020	1,020	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
5461	St. John's Catholic Comprehensive School	900	900	916	932	948	964	980	980	980	980	980
5407	Thamesview School	900	900	900	900	900	900	900	900	900	900	900
Current and forecast capacity (1)		8,297	8,468	8,580	8,722	8,768	8,784	8,800	8,800	8,800	8,800	8,800

(1) Including expansion projects at existing schools that have successfully passed through statutory processes but may not yet be complete

Expected pupil product from new developments within		Gravesham and Longfield non-selective and selective planning group		
Planning reference	Details	Houses	Flats	Secondary product
GR20220839	Cobham Lodge, Valley Drive, Gravesham, Kent DA12 5UE	11	16	3
GR20220728	Former Guru Nanak Darbar Gurdwara, Clarence Place Gravesham, Kent	0	15	1
GR20220431	Former Site Of Fox And Hounds PH, 26 - 27, London Road Northfleet, GRAVESEND	0	4	0
GR20211540	Lord Street Car Park, Lord Street, Gravesham, Kent	0	91	5
GR20211092	Milton Mount Hall Old Road East Gravesham Kent DA12 1NQ	0	14	1
GR20210757	Custom House The Terrace Gravesham Kent DA12 2BW	11	13	3
GR20210453	Former Cinema Site, 11 King Street, Gravesham, Kent DA12 2EB	0	31	2
GR20210270	Albion Waterside, Canal Basin, Gravesham, Kent DA12 2RN	0	1,314	66
GR20200343	The Charter Land At Market Square And Horn Yard Car Parks New Swan Yard Gravesham DA12 2EN (S106)	0	134	0
GR20191187	Land At The Rear Of Bridge Bar And Club 24 Stone Street Gravesham Kent DA11 0NP (S106)	0	11	0
GR20191122	Clifton Slipways West Street Gravesham Kent	0	141	7
GR20191051	Poundworld Plus 1 - 2 King Street & 34 & 35 High Street Gravesham Kent DA12 2EB (S106)	0	16	0
GR20190504	Former Gravesham & North Kent Hospital (M Block), Bath Street, Gravesham, Kent (S106)	0	71	0
GR20190520	The Builders Yard, Lower Range Road, Gravesham, Kent DA12 2QL (S106)	0	14	0
GR20190503	St Patrick's Gardens Gravesham Kent DA12 4AN (S106)	0	16	0
GR20190155	Land At 270-340 Valley Drive, Gravesham, Kent (S106)	0	10	0
GR20190083	3 - 11 Harmer Street Gravesham Kent (S106)	0	11	0
GR20180764	Land North of Dover Road Northfleet Gravesham (S106)	27	0	0
GR20180651	Cox House 47 The Terrace Gravesham Kent DA1 2DL (S106)	2	7	0
GR20171385	Community Hall Site, Whitehill Lane, Gravesham, Kent DA12 5LZ (S106)	8	12	0
GR20171245	Site of Battle of Britain, Coldharbour Road, Northfleet, Gravesham, Kent (S106)	10	6	0
GR20171120	Units 9 And 10 May Avenue Northfleet Gravesham Kent DA11 8RU (S106)	0	14	0
GR20170737	St Hildas Depot St Hildas Way Gravesham Kent DA12 4AL (S106)	3	10	0
EDC/17/0038	Northfleet Embankment East Crete Hall Road Northfleet Gravesham Kent (S106)	206	278	0
GR20161127	11-12 OVERCLIFFE GRAVESEND KENT DA11 0EF	0	3	0
SE/22/01609	Heaver Trading Estate Ash Road Ash Kent TN15 7HJ	57	14	12
SE/19/02005	The Manor House North Ash Road New Ash Green DA3 8HQ	4	10	1
New developments within the planning area		339	2,276	100
This development		0	1,589	79

Assessment summary		2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
Surplus / (deficit) capacity (excluding the expected pupil product from new developments)		-143	-156	-406	-467	-653	-778	-979	-1,008	-1,077	-1,043	-981
Expected pupil product from new developments		100	100	100	100	100	100	100	100	100	100	100
Surplus / (deficit) capacity including the expected pupil product from new developments		-243	-255	-505	-567	-752	-877	-1,079	-1,108	-1,177	-1,143	-1,081
Expected pupil product from this development		79	79	79	79	79	79	79	79	79	79	79
Surplus / (deficit) capacity including the expected pupil product from new developments and this development		-322	-335	-585	-647	-832	-957	-1,158	-1,187	-1,256	-1,223	-1,161
Expected pupil product from this development that on current plans for school provision cannot be accommodated		79	79	79	79	79	79	79	79	79	79	79

**Background notes:**

Pupil forecasts 2022 employed from September 2022. Incorporating roll data from Schools Census Autumn 2021. Data from the Health Authority includes pre-school children born up to 31st August 2021. Forecasts use trend data over the previous three years.

**Expected pupil product from new developments within the planning area**

Where a section 106 agreement has been secured for a development that includes education contributions (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

**KCC Communities  
Development Contributions Assessment**

Site Name	Land Surrounding Ebbsfleet United Football Club
Reference No.	GR20221064
District	Gravesham
Assessment Date	24/11/2023
Development Size	3,500
Non-Applicable Dwellings (under 56sqm GIA)	1911

**COMMUNITY LEARNING & SKILLS (CLS)**

CLS generally operates from one central location per district owned by KCC. Many practical courses require resources (e.g., potter's wheels, kilns, stained glassing making equipment) that are not portable. Locations per district can be found on the Kent Adult Education website.

Provision of general courses (such as modern foreign languages, Maths, English and ESOL) are at capacity within these main centres. To increase capacity, CSL operates an outreach programme to bring services directly to communities: new developments will be required to contribute towards the cost of equipment and resources. There is currently physical capacity within the hubs for specialist courses. However, increased enrolments will place additional demands on IT, learning technology and other equipment. New developments will also be expected to contribute towards this.

**New adult participation from this development** **79 clients**

<b>Contributions requested from this development</b>	£34.21 per dwelling
3500 dwellings from this proposal	<b>£119,735.00</b>

*Contributions requested towards additional equipment and resources for Adult Education Centres and outreach provision serving the development.*

**INTEGRATED CHILDREN'S SERVICES - YOUTH / EARLY YEARS SERVICE**

Historically, services for children and young people have been delivered from a static facility, typically youth/children's centres. The level of growth planned for each district will see the majority of development taking place away from the main hubs. To increase capacity and provide for the additional need created by new developments, much of the Youth/Early Years Services will be provided via Mobile/Outreach work. This will enable services to be delivered in the vicinity of new developments, increasing the likelihood of children, young people and parent/carers engaging with them. Therefore, all development will be expected to make contributions towards equipment and resources to enable Mobile/Outreach work to take place.

For expansions and enhancements of youth hubs and children's centres, including provision of specialist equipment and resources to increase capacity, this will be determined on a case-by-case basis, to mitigate the impact of growth. District provision will be assessed, and contributions requested where there is a project.

**New Youth/Early Years Service participation from this development** **219 clients**

<b>Contributions requested from this development</b>	£74.05 per dwelling
3500 dwellings from this proposal	<b>£117,665.45</b>

*Contributions requested towards additional resources for Integrated Children's Services to enable expansion of capacity within the hubs and provision of outreach work in the vicinity of the development.*

**LIBRARIES, REGISTRATIONS AND ARCHIVES (LRA)**

New developments will place additional demands for both physical (hard copy) books and digital (eBooks/E-Audio) stock. The National Library Standard upper threshold recommends 1532 items per 1000 population; where stock levels are below this, contributions will be sought.

Library capacity has historically been based on Museums, Libraries and Archives (MLA) recommendation of 30sqm per 1,000 population – KCC does not currently meet this standard and has no plans to increase the number of libraries in Kent (the possible exception is the provision of new space on strategic sites/garden communities). In most cases, it will seek instead to meet the need generated by new growth by:

- \*Improving existing facilities
- \*Refits and reconfiguration
- \*Intensification of use

**Library bookstock items per 1,000 population for Gravesham (Dec 2022)** **915**

**Target: National Library Standard bookstock items per 1,000 population (upper threshold)** **1,532**

**New borrowers from this development** **457 borrowers**

<b>Contributions requested from this development</b>	£62.63 per dwelling
3500 dwellings from this proposal	<b>£219,205.00</b>

*Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including at Gravesend, The Hive and Swanscombe.*

<b>Net contributions requested for KCC Communities' Services</b>	<b>£456,605.45</b>
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## Community Learning

19+

District	2020	2026	2031	2020-2031
Ashford	99,400	109,700	119,900	<b>20,500</b>
Canterbury	134,700	144,600	156,200	<b>21,500</b>
Dartford	84,300	92,400	98,700	<b>14,400</b>
Dover	94,100	102,200	105,000	<b>10,900</b>
Folkestone and Hythe	90,900	97,000	103,100	<b>12,200</b>
Gravesham	80,100	85,000	89,000	<b>8,900</b>
Maidstone	132,700	141,000	147,000	<b>14,300</b>
Sevenoaks	92,700	98,900	105,800	<b>13,100</b>
Swale	115,000	122,700	129,900	<b>14,900</b>
Thanet	110,200	119,300	132,600	<b>22,400</b>
Tonbridge and Malling	100,500	107,800	114,900	<b>14,400</b>
Tunbridge Wells	90,500	96,400	101,300	<b>10,800</b>
<b>KCC Area</b>	<b>1,225,100</b>	<b>1,316,900</b>	<b>1,403,300</b>	<b>178,300</b>

2020 Service Demand
2,654
3,596
2,251
2,512
2,427
2,139
3,543
2,475
3,071
2,942
2,683
2,416
<b>32,710</b>

## Integrated Children's Services

0-18

District	2020	2026	2031	2020-2031
Ashford	31,600	34,000	35,600	<b>4,000</b>
Canterbury	32,100	34,100	34,600	<b>2,500</b>
Dartford	29,700	33,500	34,100	<b>4,400</b>
Dover	24,500	25,800	25,100	<b>600</b>
Folkestone and Hythe	22,400	22,500	22,100	<b>-300</b>
Gravesham	26,800	28,300	28,600	<b>1,800</b>
Maidstone	40,400	43,600	44,000	<b>3,600</b>
Sevenoaks	28,700	30,300	31,000	<b>2,300</b>
Swale	36,000	37,700	37,700	<b>1,700</b>
Thanet	31,300	32,200	33,400	<b>2,100</b>
Tonbridge and Malling	32,100	34,200	35,200	<b>3,100</b>
Tunbridge Wells	28,500	28,800	28,200	<b>-300</b>
<b>KCC Area</b>	<b>364,000</b>	<b>385,100</b>	<b>389,700</b>	<b>25,500</b>

2020 Service Demand
4,424
4,494
4,158
3,430
3,136
3,752
5,656
4,018
5,040
4,382
4,494
3,990
<b>50,974</b>

## Libraries

All Ages

District	2020	2026	2031	2020-2031
Ashford	131000	143700	155500	<b>24,500</b>
Canterbury	166800	178700	190700	<b>23,900</b>
Dartford	114100	125900	132800	<b>18,700</b>
Dover	118500	128000	130000	<b>11,500</b>

2020 Service Demand		
Borrowers	Digital Dens	Bookstock/1000 (Dec 2022)
15,917	12,000	583
20,266	11,700	658
13,863	10,600	871
14,398	9,200	897

Folkestone and Hythe	113300	119500	125200	<b>11,900</b>
Gravesham	106900	113300	117600	<b>10,700</b>
Maidstone	173100	184600	191000	<b>17,900</b>
Sevenoaks	121400	129100	136800	<b>15,400</b>
Swale	151000	160400	167700	<b>16,700</b>
Thanet	141500	151500	166000	<b>24,500</b>
Tonbridge and Malling	132600	142000	150100	<b>17,500</b>
Tunbridge Wells	118900	125100	129600	<b>10,700</b>
<b>KCC Area</b>	<b>1,589,100</b>	<b>1,701,900</b>	<b>1,793,000</b>	<b>203,900</b>

13,766	8,800	854
12,988	10,000	915
21,032	14,900	1039
14,750	11,200	1005
18,347	13,600	669
17,192	12,300	852
16,111	11,800	827
14,446	10,900	918
<b>193,076</b>	<b>137,000</b>	<b>850</b>

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Development Contributions Assessment over the planning period 1/1/2019 to 31/12/2039

Export

Site Name	Land Surrounding Ebbsfleet United Football Club
Reference No.	GR20221064
District	Gravesham
Assessment Date	24/11/2023
Development Size	3,500

- EXPORT Basic Guidelines:**
- Add the Site's name and Reference No. if available
  - Select the District that the development is located in
  - Enter the size of the development
  - Click 'Export' to create a copy of the assessment

**DO NOT EDIT ANYTHING ELSE ON THIS SHEET!**

**After exporting:**  
 Editing functions can be performed- feel free to consult the 'Quick Spreadsheet Formatting Guide' as a reference.  
 Remove all irrelevant sections.

<b>Net Social Care contributions requested:</b>	
<b>Social Care and Health Services</b>	<b>£633,080.00</b>
<p>Kent County Council has statutory* responsibilities to provide a variety of services that support and care for vulnerable adults and children across the county. In line with KCC Strategy**, the modern focus of the service is to support adults to live fulfilling and independent lives at home and in their community, ensuring adults receive the right care when they need it, and are also supported to get back on their feet when it is appropriate and possible.</p> <p>To support this strategy, KCC seeks contributions toward five priority areas and may choose to apply the whole contribution to a single project, or proportionately between projects. The contribution from the development is the same. The result is greater certainty of project delivery and benefit to new communities to put together workable projects for the community and clients.</p> <p>Proposed new housing development results in additional demands upon Adult Social Care (ASC) services from increases in older people and also adults with Learning, Physical and/or Mental Health Disabilities. Available care capacity is fully allocated already, with no spare capacity to meet additional demand arising from this and other new developments.</p> <p>The focus of Adult Social Care is currently on the five areas listed below, offering a preventative approach to providing care. Based on an agreed set of service delivery models, an annual assessment of the impact of new and existing housing on these services has been carried out. Only the financial impacts relating to new housing are displayed.</p> <p>Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures</p> <p>* Under the Care Act 2014, Mental Health Act 1993 and Mental Capacity Act 2005</p> <p>**<a href="https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing">https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing</a></p>	

<b>A. ASSISTIVE TECHNOLOGY &amp; HOME ADAPTATION EQUIPMENT</b>	<i>Assistive Technology systems and Home Adaptation Equipment are delivered to vulnerable adults in their own homes, enabling them to: live with the confidence that help is available when they urgently need it and to remain independent in their own homes.</i>
<b>B. ADAPTING COMMUNITY FACILITIES</b>	<i>Adapting Community Facilities to be accessible for those with both mental and physical disabilities means vulnerable adults can access other support services and facilities safely and comfortably.</i>
<b>C. SENSORY FACILITIES</b>	<i>Sensory facilities use innovative technology to provide a relaxing or stimulating environment for people of all ages with sensory impairment conditions. The facilities may be used to calm stress and anxiety, or to encourage sensory development and social engagement.</i>

<b>D. CHANGING PLACE</b>	<i>Changing Places have additional features than standard accessible toilets to meet the needs of people with a range of disabilities and their carers. These toilets are usually located in or near a popular public area to ensure suitable facilities are available for use by vulnerable adults when necessary.</i>
<b>E. SPECIALIST CARE HOUSING</b>	<i>Specialist care housing includes extra care accommodation and other care living accommodation for those clients with special requirements. These requirements include but are not limited to, the elderly and those with physical and learning requirements.</i>

<b>New Social Care Clients generated from this development:</b>	<b>323 client(s)</b>
<i>Forecast SC clients generated from ALL proposed developments within the District (up to 2039)</i>	<b>766 clients</b>
<b>Contributions requested from this development</b>	<b>£633,080.00</b>
<b><i>Contributions requested towards Specialist Housing in the District, Assistive Technology &amp; Home Adaptation Equipment, Adapting Community Facilities, Sensory Facilities and Changing Places in the vicinity of the development.</i></b>	

**Note:** These projects will be delivered once the money is collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.



Overall Client Forecasts

District	Housing 2019-2039	Specialist Housing	Assistive Technology and Home Adaptation	Equipment including Changing Places	Day Care (Adapting Community Facilities)	Social Care Total
	Per Dwelling	0.0044	0.0094	0.0754	0.003	
Ashford	20,230	89	190	1,525	61	1,865
Canterbury	18,257	80	172	1,377	55	1,683
Dartford	20,070	88	189	1,513	60	1,850
Dover	12,219	54	115	921	37	1,127
Folkestone and Hythe	14,813	65	139	1,117	44	1,366
Gravesham	8,311	37	78	627	25	766
Maidstone	17,603	77	165	1,327	53	1,623
Sevenoaks	14,229	63	134	1,073	43	1,312
Swale	16,389	72	154	1,236	49	1,511
Thanet	21,511	95	202	1,622	65	1,983
Tonbridge and Malling	14,328	63	135	1,080	43	1,321
Tunbridge Wells	14,010	62	132	1,056	42	1,292
<b>KCC Area</b>	<b>191,970</b>	<b>845</b>	<b>1,805</b>	<b>14,475</b>	<b>576</b>	<b>17,700</b>

65+ Population Forecasts

District	Population Aged 65+		Adapting Com. Facilities Clients (2039)
	2019	2039	
Ashford	25,278	39,640	1,982
Canterbury	34,140	49,059	2,453
Dartford	15,874	23,978	1,199
Dover	27,789	39,536	1,977
Folkestone and Hythe	28,031	41,967	2,098
Gravesham	18,555	25,230	1,261
Maidstone	33,008	47,603	2,380
Sevenoaks	26,098	34,937	1,747
Swale	28,844	40,811	2,041
Thanet	33,820	48,721	2,436
Tonbridge and Malling	24,903	36,435	1,822
Tunbridge Wells	23,056	34,862	1,743
<b>KCC Area</b>	<b>319,396</b>	<b>462,779</b>	<b>23,139</b>

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# WASTE DISPOSAL AND RECYCLING ASSESSMENT REPORT

## Appendix 4

### Development Contributions Assessment over the planning period 1/1/2021 to 31/12/2030

Site Name	Land Surrounding Ebbsfleet United Football Club
Reference No.	GR20221064
District/Area	Gravesham
Assessment Date	24/11/2023
Development Size	3,500

#### Net Waste contributions requested:

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, meaning that it is responsible for the receipt and onward processing/disposal of household waste, providing Waste Transfer Stations (WTS), Household Waste Recycling Centre Services (HWRC) and monitoring closed landfills. Kent residents make approximately 3.5 million visits to HWRCs per year and each household produces an average of a 1/4 tonne of waste to be processed at HWRCs, and 1/2 tonne to be processed at WTSs annually. Kent's Waste Management services are under growing pressure with several HWRCs and WTSs over operational capacity (as of 2020).

In accordance with the Kent Waste Disposal Strategy 2017-2035, contributions may be sought towards the extension or upgrading of existing Waste facilities, or towards the creation of new facilities where a proposed development is likely to result in additional demand for Waste services. Existing Waste services will be assessed to determine the available capacity to accommodate the anticipated new service demands before developers are requested to contribute to additional provision. The proportionate costs of providing additional services for households generated from the proposed development are set out below:

#### A. WASTE TRANSFER STATIONS (WTS)

*Additional waste generated by new households increase the throughput of waste and reduce speed of waste processing at Waste Transfer Stations.*

<b>1. Applicable dwellings from this development</b>	<b>3,500</b>
<i>2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*</i>	<i>70,100</i>
<i>3. Overall cost of increasing capacity for 70,100 new dwellings by 2030</i>	<i>£9,963,313.00</i>
<i>4. Cost per new dwelling (£9,963,313 / 70,100 new homes)</i>	<i>£142.13</i>

**Contributions requested from this development** £142.13 per dwelling

*3,500 dwellings from this proposal*

**£497,455.00**

**Contributions requested towards Ebbsfleet WTS**

## **B. HOUSEHOLD WASTE RECYCLING CENTRES (HWRC)**

*Additional households increase queuing times and congestion at HWRC's and increase throughput of HWRC waste.*

<b>1. Applicable dwellings from this development</b>	<b>3,500</b>
<i>2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*</i>	<i>64,200</i>
<i>3. Overall cost of increasing capacity for 64,200 new dwellings by 2030</i>	<i>£3,338,400.00</i>
<i>4. Cost per new dwelling (£3,338,400 / 64,200 new homes)</i>	<i>£52.00</i>

**Contributions requested from this development** £52.00 per dwelling

3,500 dwellings from this proposal

£182,000.00

**Contributions requested towards Ebbsfleet HWRC**

**Net Contributions requested for KCC Waste from this development**

£679,455.00

**\* Estimated**

**Note:** These projects will be delivered once the money is collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

Waste

Area	WTS Dwellings*	HWRC Dwellings*	MRF Dwellings*	WTS Rate per Dwelling	HWRC Rate per Dwelling	MRF Rate per Dwelling	Total Rate per Dwelling	WTS Project(s)	HWRC Project(s)	Note
Ashford Town and North	70,100	64,200	112,300	£142.13	£52.00	£0.00	£194.13	Folkestone WTS	Faversham HWRC	HWRC rate would be applied to northern part of District as per HWRC catchment maps, as this area falls within 20 minute drive time of Faversham HWRC which does have an identified project.
Ashford Rural South	70,100	0	112,300	£142.13	£0.00	£0.00	£142.13	Folkestone WTS	None	HWRC rate would not be applied to southern part of Borough as per HWRC catchment maps, as this area falls outside 20 minute drive time of a HWRC with an identified project.
Canterbury	0	64,200	112,300	£0.00	£52.00	£0.00	£52.00	None	closer of Faversham, Margate or Dover HWRC	
Dartford	70,100	64,200	112,300	£142.13	£52.00	£0.00	£194.13	Ebbsfleet WTS	Ebbsfleet HWRC	
Dover	0	64,200	112,300	£0.00	£52.00	£0.00	£52.00	None	Dover HWRC	
Folkestone	70,100	64,200	112,300	£142.13	£52.00	£0.00	£194.13	Folkestone WTS	Folkestone HWRC	
Gravesham	70,100	64,200	112,300	£142.13	£52.00	£0.00	£194.13	Ebbsfleet WTS	Ebbsfleet HWRC	
Maidstone	0	64,200	112,300	£0.00	£52.00	£0.00	£52.00	None	Maidstone HWRC	
Sevenoaks North	70,100	64,200	112,300	£142.13	£52.00	£0.00	£194.13	Sevenoaks WTS	Swanley HWRC	
Sevenoaks South	70,100	0	112,300	£142.13	£0.00	£0.00	£142.13	Sevenoaks WTS	None	
Swale	70,100	64,200	112,300	£142.13	£52.00	£0.00	£194.13	Sittingbourne WTS	closer of Sheerness, Sittingbourne or Faversham HWRC	
Thanet	0	64,200	112,300	£0.00	£52.00	£0.00	£52.00	None	Margate HWRC	
Tonbridge North	0	64,200	112,300	£0.00	£52.00	£0.00	£52.00	None	Allington HWRC (refuse facility)	
Tonbridge South	70,100	64,200	112,300	£142.13	£52.00	£0.00	£194.13	Tunbridge Wells WTS	Tunbridge Wells HWRC	
Cranbrook & Hawkhurst East Borough	70,100	0	112,300	£142.13	£0.00	£0.00	£142.13	Tunbridge Wells WTS	None	HWRC rate would not be applied to eastern part of District as per HWRC catchment maps, as this area falls outside 20 minute drive time of a HWRC with an identified project.
Tunbridge Wells West	70,100	64,200	112,300	£142.13	£52.00	£0.00	£194.13	Tunbridge Wells WTS	Tunbridge Wells HWRC	

\* Total of new housing across applicable districts up to 2030



Katherine Parkin  
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## Growth, Environment & Transport

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### BY EMAIL ONLY

10<sup>th</sup> February 2023

Dear Katherine,

**Re: Outline Planning Application for a proposed development at Land Surrounding Ebbsfleet United Football Club, bounded By Lower Road, Railway Line, Grove Road and The River Thames, Northfleet, Gravesend (Ref: 20221064)**

Thank you for consulting Kent County Council (KCC) on the outline planning application for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport / recreation / fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.

In summary, and in considering the application as it currently stands, the County Council, as Minerals and Waste Planning Authority, raises an **objection** on the following grounds:

Minerals and Waste: The application is contrary to national and local development plan policies on safeguarding, and would undermine the adopted Mineral Strategy in the Kent Minerals and Waste Local Plan (KMWLP), which relies heavily upon wharves and importation facilities, as land-won resources are depleted.

The County Council, as Local Highway Authority, raises a **holding objection** on the following grounds:

Highways and Transportation: The planning application fails to provide sufficient detail regarding the Framework Car Park Management Plan, the Framework Travel Plan and the walking and cycling audit. A number of key plans and strategies have not been provided, including a Transport Strategy, Construction Route Plan, a Stage 1 Road Safety Audit and Designers Response, and plans regarding site access and sustainable transport upgrades. Modelling and traffic count data is required, and further consideration is needed for trip generation and mode share.

Public Rights of Way (PRoW): The application does not sufficiently address the significant impacts of the proposed development on Public Footpath NU1 and the National Trail including the adverse effect on user amenity and visual impacts. The proposed alternative PRoW routes that have been provided are not acceptable to the County Council.

The County Council has reviewed the outline planning application and sets out its comments below:

### **Highways and Transportation**

The County Council, as Local Highway Authority, considers that the site is in a sustainable location, with short walking and cycling distances to local bus stops and both local and international railway stations. The proposals include a dedicated Fastrack route through the site and walking, cycling and car club facilities, all of which will further assist in achieving a mode shift away from the private car. However, the information provided is lacking in detail and in order for KCC to provide a robust assessment of the proposals, further information is required as set out within this response.

A number of plans / strategies that are required to be submitted with the application prior to determination have not yet been provided. These include:

- A Transport Strategy to demonstrate how the transport elements will be delivered over time.
- Detailed site access plans for all access points incorporating appropriate geometry, walking and cycling facilities, Fastrack segregation, visibility splays and tracking, to confirm these can be delivered. The plans should also incorporate the full diversion of the A226.
- Modelling results using the Kent Transport Model.
- A plan showing the areas intended for stopping up.
- A Stage 1 Road Safety Audit and Designers Response.
- Traffic count results.
- Plans showing proposed upgrades to local walking and cycling routes.
- Construction Route Plan.



Further discussion is required with regard to trip generation, mode share, distribution and committed developments, before the application is determined.

The County Council welcomes the walking and cycling audit; however, this should be expanded to include routes to additional facilities such as local bus stops, schools and the town centre for it to be acceptable.

The dedicated Fastrack route through the site is welcomed - and will be key to achieving mode shift away from the private car. The route through the site should be shown on a plan submitted as part of this planning application, along with proposed geometry, so this can be secured to any permission granted.

KCC advises that the Framework Car Park Management Plan and Framework Travel Plan need further detail. The Framework Travel Plan needs to include monitoring and review procedures and development of the Transport Review Group, for it to be acceptable.

The County Council, as Local Highway Authority, has provided detailed commentary on the application in Appendix 1 and would like to place a holding objection on the application until the above issues have been resolved.

### **Public Rights of Way (PRoW)**

The County Council would draw attention to the existence of Public Footpath NU1 and the National Trail - the England Coast Path - which are directly affected by the development site. The Footpath (NU1) is identified on the attached extract of the Network Map of Kent (Appendix 2), which is a working copy of the Definitive Map. The existence of the right of way is a material consideration and the Definitive Map and Environmental Statement provide conclusive evidence at law of the existence and alignment of PRoW. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it. The National Trail is a leisure opportunity of considerable importance to both Gravesham and Kent, the use of which is expected to grow in the future and is heavily promoted on a national level.

The County Council is keen to ensure that its interests are represented within the local policy frameworks of the districts in Kent. KCC is committed to working in partnership with Gravesham Borough Council to achieve the aims contained within the [Rights of Way Improvement Plan](#) (ROWIP) which relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

The impact on both the Public Footpath and the England Coast Path will be significant and KCC does not consider that the application addresses this sufficiently. The alternative routes are not acceptable as currently proposed. It should be noted that PRoW issues cannot be determined at a later Reserved Matters stage. The County Council therefore places a holding objection on this application, as a result of the adverse effect on user amenity and visual impact, to ensure these issues are fully addressed and resolved ahead of determination of this application.

### Impact on Public Footpath and England Coast Path National Trail

Overall, the County Council considers that the references to the PRow network and the England Coast Path in the application are minimal:

- The routes do not appear on the majority of plans consistently, particularly the Illustrative Masterplan. Where the routes are shown (Transport Assessment Figure 4.4) they are not clear, and there is no correct labelling.
- Neither PRow nor the England Coast Path are mentioned in the Planning Statement document, particularly paragraph 5.205 Walking, Cycling and Public Transport.
- The routes in Figure 1 Walking and Cycling of the Walking and Cycling Assessment do not show PRow. This is available in larger print on request.
- The re-alignment of the A226 would appear to significantly impact the England Coast Path and the proposed diversion route would be unacceptable as it would appear adjacent to the new stadium - it is unclear and there is lack of detail. The Natural England report for the section of the England Coast Path refers to *'the proposed re-development of the area, where there may be an opportunity to align the trail closer to the coast'*. All options should be fully explored with the County Council and Natural England, and a Variation Report will be necessary for the diversion of the National Trail, before the application is determined. Any diversion of the PRow route will require County Council approval as the Local Highway Authority, and both these issues require engagement at this stage to resolve, and not later in the planning process.

### General Comments

The County Council requires the following:

- A PRow Scheme of Management to be secured through a condition, detailing the PRow affected, including the England Coast Path, to cover the diversion procedure to enable a timely and legal delivery of any development; construction management (routes must remain open and safe for public use) and width, surface and signage on completion. Any phasing must ensure the delivery of infrastructure to support the development. This scheme of management to be approved by the County Council prior to the commencement of any works.
- Any Travel Plan submitted as part of the application must include the PRow network and opportunities provided for both active travel and leisure, health and wellbeing.

### Section 106 (S106) / Contributions

KCC recognises that there is no mention of the wider PRow network within the Green Transport and Highways section of the S106 Agreement Heads of Terms. This should be amended as the County Council would request contributions as mitigation for the impact of the development on the PRow and to provide improvements to the wider connectivity. This is in line with the KCC ROWIP, a statutory KCC policy. The County Council considers that mitigation in the form proposed of new signage, planting and drop kerb crossings is not considered appropriate or sufficient.

The County Council would also draw attention to the following comments to the Applicant:

- No furniture, fence, barrier or other structure may be erected on or across PRow without the express consent of the Local Highway Authority.
- There must be no disturbance of the surface of the PRow, or obstruction of its use, either during or following any approved development without the express consent of the Local Highway Authority.
- No hedging or shrubs should be planted within 1 metre of the edge of the PRow.
- Any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Local Highway Authority.
- No Traffic Regulation Orders will be granted by the Local Highway Authority for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the Applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, the County Council would need six weeks notice to process this.

### Development Investment

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

### Request Summary

	Per Applicable <sup>1</sup> House (NIL)	Per Applicable Flat (x 1,589)	Total	Project
Primary Education	Nil	£1,700	£2,701,300.00	Towards expansion of a school locally within the KCC North Kent Education Area
Primary Land	Nil	Nil	Nil	N/a

<sup>1</sup> 'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. Please confirm the number of 1 bed units proposed and that they are below this threshold.

<b>Secondary Education</b>	Nil	£1,294	£2,056,166.00	Towards any secondary school within three miles of the development
<b>Secondary Land</b>	Nil	£878.58	£1,396,063.60	Towards secondary school land for any secondary school within three miles of the development
<b>Special Education Needs and Disabilities (SEND) School</b>	Nil	£126.29	£200,674.81	Towards a SEND school within the KCC North Kent Education Area
<b>Special Education Needs and Disabilities School Land</b>	Nil	Nil	Nil	N/a

	<b>Per Dwelling (x 3,500)</b>	<b>Total</b>	<b>Project</b>
<b>Community Learning</b>	£16.42 <sup>2</sup>	£57,470.00	Towards additional equipment, services, and resources to assist with the education and training of the new learners arising from this development at Gravesham Adult Education Centre
<b>Youth Service</b>	£65.50	£229,250.00	Towards youth service resourcing arising from this development or Miracles Youth Centre.
<b>Library Service</b>	£55.45	£194,075.00	Library service resourcing arising from this development or Gravesend Library .
<b>Social Care</b>	£146.88	£514,080.00	Towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and Changing Places arising from this development or at Age UK Fleming Resource Centre, Gravesend.
	All Homes built as Wheelchair Accessible and Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
<b>Waste</b>	£129.20	£452,200	Ebbsfleet Waste Transfer Station
<b>Highways</b>	<i>Kent Highway Services will respond separately</i>		

<sup>2</sup> Please note that these figures are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3). They are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

### *Justification for infrastructure provision/development contributions requested*

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in Appendices 3a – 3d.

#### *Education*

KCC is the Statutory Authority for education and is the Strategic Commissioner of Education Provision and provides the following commentary below.

##### *Primary Education*

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 3a.

The proposal gives rise to additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through a new primary school.

This proposal has been assessed in accordance with the adopted KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality.

##### *Secondary School Provision*

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 3a.

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation at the secondary school and will be provided and delivered in accordance with the timetable and phasing in the Local Planning Authority's Infrastructure Delivery Plan, where available.

KCC notes that this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

It is also noted that this process will be kept under review and may be subject to change, including possible locational change, as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory

obligation under the Education Act 1996, and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its [Commissioning Plan for Education Provision](#) (2022-2026) and [Children, Young People and Education Vision and Priorities for Improvement](#) (2018-2021).

### *Community Learning*

The County Council provides community learning facilities and services for further education in line with KCC policies as set out in [Framing Kent's Future](#) (2022-2026). Community Learning and Skills (CLS) helps people moving to a new development overcome social isolation and encourages community cohesion, as well as improving skills in a wide range of areas.

There is an assessed shortfall in provision for this service. The current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 3b, along with the cost of mitigation.

To accommodate the increased demand on KCC Community Learning, the County Council requests £16.42 per dwelling towards the cost of providing Community Learning Project, local to the development.

### *Youth Service*

KCC has a statutory duty to provide Youth Services under section 507B of the Education Act 1996. This requires KCC, so far as reasonably practicable, to secure sufficient educational leisure-time activities and facilities to improve the well-being of young people aged 13 to 19 and certain persons aged 20 to 24.

To accommodate the increased demand on the Kent Youth Service, the County Council requests £65.50 per dwelling towards additional resources for the Youth Service locally.

### *Library Service*

KCC is the statutory Library Authority. Under the Public Libraries and Museums Act 1964, the County Council has a statutory duty to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

Borrower numbers are in excess of capacity, and bookstock in Northfleet items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492, respectively.

To mitigate the impact of this development, the County Council will need to provide additional services, equipment, and stock to meet the additional demand generated by the people residing in these dwellings.

The County Council therefore requests £55.45 per household to address the direct impact of this development, and the additional services, equipment and stock will be made available locally at the local library or mobile library service, as and when the monies are received.

### *Adult Social Care*

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 3c.

KCC is the Statutory Authority for Adult Social Care. The proposed development will result in additional demand upon Adult Social Care Services, including older persons and adults with learning / neurodevelopmental / physical disabilities and mental health conditions. Existing care capacity is fully allocated, with no spare capacity to meet additional demand arising from this and other new developments.

To mitigate the impact of this development, KCC Adult Social Care requires:

- A proportionate monetary contribution of £146.88 per household (as set out in Appendix 3c) towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and [Changing Places](#) locally.
- In June 2019, the Department for Levelling Up, Housing and Communities identified in guidance that the need to provide housing for older and disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely, providing safe and convenient homes with suitable circulation space, bathrooms, and kitchens. Kent Adult Social Care requests these dwellings are built to Building Reg Part M4(2) standard (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

### *Waste*

Kent County Council is the statutory Waste Disposal Authority for Kent, responsible for the safe disposal of all household waste, providing Household Waste Recycling Centres (HWRC) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRCs and half a tonne per year to be processed at WTS'. Existing HWRCs and WTS' are running at capacity and additional housing will create a significant burden on the manageability of waste in Kent.

A contribution of £129.20 per household is required towards the waste facilities at Ebbsfleet, to mitigate the impact arising from this development, and accommodate the increased waste throughput within the Borough.

The County Council previously responded to the Environmental Impact Assessment (EIA) Scoping Report on 8<sup>th</sup> September 2022 and considered that waste should be scoped into the Environmental Statement. This is due to the potential impact upon this service from the proposed development and the misconception that landfill capacity was the determining factor in their EIA concluding a negligible impact.

KCC is therefore pleased to see that waste features as a chapter within the Environmental Statement and is supported by a Waste Strategy in the appendices.

However, the focus remains solely on available landfill capacity in determining the impact of the proposed development on waste facilities. As stated in the County Council's EIA Scoping Report response, the consideration of landfill as the only final disposal option for waste in Kent is incorrect. KCC disposes of less than 2% of waste to landfill and this is not kerbside collected household waste. All household waste is diverted, either to an energy from waste facility or to multiple recycling facilities, where waste is recovered and treated as a resource for recycling or energy production. The Environmental Statement must have consideration of the capacity at these alternative final disposal facilities. The sole consideration of landfill as the final disposal option also conflicts with the Environmental Statement which states that '*space to hold bins for Mixed Dry Recyclables, Food and Residual waste streams*' will be provided.

Additionally, in order for waste from developments such as that proposed to reach these final disposal facilities, it must first be taken to a WTS for bulking. The whole of the Gravesham District is currently served by a single transfer station, which is already at capacity. The County Council considers that the provision of an additional 3,500 homes will place an unsustainable burden of demand upon KCC waste disposal services and therefore informed mitigations should be identified within the Environmental Statement / Waste Strategy.

KCC does not agree with the concluding statement of the Non-Technical Summary in paragraph 110 '*Considering the waste management infrastructure available capacity within the region, the impacts of the waste arising from the Proposed Development will be minimal and will not result in likely significant effects upon waste infrastructure once operational*'. KCC would therefore recommend that this sentence is revised.

#### *Waste Management and Recycling Management Strategy*

The County Council considers that paragraph 1.3 within the Strategy is misleading, as kerbside collected waste is not sent to landfill, it is sent to an Energy from Waste Facility. In addition, food waste is not composted but sent to an AD plant.

KCC notes that Table 1 Waste and Recycling Management Policies omits the [Kent Waste Disposal Strategy](#), a key document in setting out KCC's current position, identifying the future pressures and outlining how the County Council will maintain a sustainable waste management service.



In respect of paragraph 6.9, whilst KCC supports innovation, consideration of the contamination levels arising from use of a system such as this need to be further explored and demonstrated that this will not impact negatively on recycling rates.

Chapter 8 Waste Disposal is focused on available landfill capacity, which is not considered appropriate. Gravesham Borough Council as the Waste Collection Authority collects the household waste and brings it to the KCC WTS at Pepperhill for bulking before being transported to its final disposal outlet. For Kent, this does not include landfill.

The assessment in Paragraph 8.2 acknowledges '*that at least 75% of the total operational waste is considered to be MDR / recycling waste, that will be sent to household waste recycling facilities (for residential apartments)*'. KCC notes that kerbside collected household waste does not get sent directly to a Household Waste Recycling Facility as indicated, but is first sent to the KCC Pepperhill WTS for bulking before being transported to a Materials Recycling Facility (MRF) under Contract. The KCC Pepperhill WTS is at capacity and cannot sustainably accommodate the tonnages from the proposed development. The assessment does not consider the impact of significant volumes of mixed dry recyclables on the local waste infrastructure.

The anticipated residual waste arisings from the development are assessed against landfill void capacity, which the County Council notes is incorrect. After collection by Gravesham Borough Council and bulking at the KCC Pepperhill WTS, they are sent to the Allington Energy from Waste Plant. The impact of some 31,344m<sup>3</sup> per annum of residual waste on the KCC Pepperhill WTS is not negligible as this facility is at capacity.

#### *Broadband: Fibre to the premise/gigabit capable*

KCC recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning to decide on the appropriate solution and the availability of the nearest connection point to high-speed broadband. Most major telecommunication providers are now offering next-generation access broadband connections free of charge to developers. The County Council notes that further details are available on their websites and would recommend that the Applicant has consideration of this matter.

#### *Implementation*

The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seek a S106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the agreement, and County monitoring fee of £500 for each trigger within the agreement. KCC would request that a draft copy of any S106 agreement or unilateral undertaking is shared at the earliest convenience prior to its finalisation.

KCC would request confirmation for when this application will be considered and that the County Council is provided with a draft copy of the Committee report prior to it being made publicly available. If the contributions requested are not considered to be fair, reasonable, and compliant with CIL Regulation 122, it is requested that the County Council is notified immediately and to allow at least 10 working days to provide such additional supplementary information as may be necessary to assist the decision-making process in advance of the Committee report being prepared and the application being determined.

## **Minerals and Waste**

The County Council, as the relevant Mineral Planning Authority, strongly objects to the proposal on the grounds that it is contrary to national and local development plan policies on safeguarding and would undermine the adopted Mineral Strategy for Kent which relies heavily upon wharves and importation facilities as land-won resources are depleted. Robins Wharf is an important facility as it provides a sustainable means of importing the aggregate building materials needed to support economic growth and is well placed to serve Kent and London. The latter has a reported finely balanced aggregate mineral importation capacity (wharfage) and may well require imports from other areas (including Kent) to ensure the capital's growth is sustainably supported if it returns to the sales and consumption ratio seen in 2010 to 2018 (see paragraph 4.10 of the London Annual Monitoring Report 2019). It also provides facilities for concrete manufacture and coated asphalt products.

The wharf and its associated mineral based product facilities can operate in a largely unconstrained manner in the locality given the planning permissions it operates to, therefore taking full advantage of the River Thames as a means of achieving sustainable transportation of the bulk raw materials with great flexibility. This in turn enhances the safeguarded wharf to then provide aggregates and mineral based construction products to the immediate market efficiently. Loss of this importation facility would undermine both aggregate supply that is becoming more reliant on importation and adversely affect sustainable transport of such materials if greater reliance, through time, is placed on increased road transportation. Therefore, the proposal is contrary to the NPPF, as it does not accord with the need to safeguard existing sites for the bulk transport, handling and processing of minerals, the manufacture of concrete and associated products such as coated asphalt materials.

The adopted KMWLP 2020 in turn identifies Robins Wharf as such a site with its associated facilities that require to be safeguarded to allow a steady and adequate supply of aggregate materials to support sustainable development in Kent. In light of the economic importance of wharves to the county and the delivery of a sustainable minerals strategy, there is a presumption in planning policy that these sites are safeguarded. Any development that proposes the loss of such facilities needs to robustly demonstrate that it satisfies the exemption criteria of the safeguarding policies in the KMWLP. The application asserts a number of arguments to justify an exemption, but these are not considered sufficient to set aside the presumption to safeguard.

The Applicant asserts that the regenerative advantages of the proposal are of such a scale and importance in meeting the Gravesham Local Plan's objectives that they override the

presumption to safeguard the importation facility. The adopted Gravesham Local Plan not only has policies to safeguard the sustainable transport commercial importation sites (Robins Wharf is one such facility, see Policy CS07: Economy, Employment and Skills, paragraph 5.1.37 and Policy CS11: Transport). Moreover, the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area delineates Key Sites where the focus of regenerative development of this scale would be more appropriately located. Therefore, to deliver this regenerative development would needlessly incur the loss of the safeguarded wharf and compromise sustainable transport objectives of the Gravesham Local Plan. The Applicant's proposal does not accord with the adopted Gravesham Local Plan policies and is a departure from its spatial objectives.

With regard to the Applicant's assertion that the loss of the mineral importation wharf is justified and that its capacity is not needed, it is the County Council's view that the Applicant has failed to satisfy either exemption criteria 6 or 7 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities as the area of the proposal is outside the main areas identified for regeneration in the Local Plan. The need, therefore, to deliver it at the application site is not overriding (exemption criterion 6). Furthermore, the Applicant has used out-of-date monitoring data and failed to understand the importance of maintaining all mineral importation capacity, as this underpins the whole strategy of the adopted KMWLP in providing for a steady and adequate supply of aggregate minerals, as required by the NPPF.

The Applicant's assertion that sufficient available capacity to import aggregate minerals will continue to exist, even with the loss of Robins Wharf as this will not be needed (exemption criterion 7) as sufficient unused 'headroom' importation capacity exists, is a fundamentally misguided argument. Indications are that the available capacity 'head room' will increasingly be utilised even if overall aggregate mineral demand remains static, as the Kent land-won sector for the sharp sands and gravels is rapidly depleting. Moreover, any increase in overall demand will inevitably place additional strain on all available importation capacity, both in Kent and the proximate London area, where there is little if any mineral importation capacity headroom. Wharf sites are considered generally irreplaceable once lost, therefore it remains imperative to retain all importation capacity into the future. Neither exemption criterion (6) or (7) of the relevant safeguarding policy can be said to have been satisfied by the Applicant's submitted Mineral Infrastructure Assessment.

The County Council, as the relevant Mineral Planning Authority, is willing to maintain a dialogue with Gravesham Borough Council on the matter of mineral supply and importation and the safeguarding of importation and associated mineral products facilities in order to assist the Borough Council if this would be helpful.

KCC has provided detailed commentary on the application in Appendix 4.

### **Sustainable Urban Drainage Systems (SuDS)**

The County Council, as Lead Local Flood Authority provided comments direct to Gravesham Borough Council on 28 November 2022 (Appendix 5).

## **Heritage Conservation**

The County Council provided comments direct to Gravesham Borough Council on 14 December 2022 (Appendix 6).

## **Biodiversity**

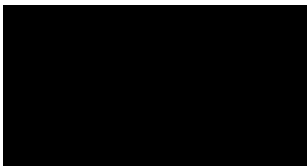
The County Council provided comments direct to Gravesham Borough Council on 7 December 2022. (Appendix 7).

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The County Council will continue to work closely with Gravesham Borough Council to help to ensure the delivery of new housing and infrastructure in response to local needs. The County Council will welcome further engagement with Gravesham Borough Council and the Applicant on the matters raised in this response.

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

Yours sincerely,



**Simon Jones**  
**Corporate Director, Growth Environment and Transport**

Enc.

Appendix 1: Local Highway Authority Detailed Response

Appendix 2: Extract of the Network Map

Appendix 3a: New School Land Costs Mk6 SEN

Appendix 3b: Communities Assessment (Master Nov 19)

Appendix 3c: Social Care Assessment (Master May 22)

Appendix 3d: Waste Assessment (Master May 22)

Appendix 4: Minerals and Waste Planning Authority Detailed Response

Appendix 5: Lead Local Flood Authority commentary - provided direct to the LPA on 28.11.2022

Appendix 6: KCC Heritage Conservation commentary – provided direct to the LPA on 14.12.2022

Appendix 7: KCC Biodiversity commentary - provided direct to the LPA on 07.12.2022

The site is in a sustainable location, with short walking and cycling distances to local bus stops and both local and international railway stations. The proposals include a dedicated Fastrack route through the site and walking, cycling and car club facilities, all of which will further assist in achieving a mode shift away from the private car. However, in order for KCC to provide a robust assessment of the proposals, further information is required.

A pre-application meeting took place with the applicant on 8<sup>th</sup> July 2022 and subsequent to that the applicant was sent a letter dated 19<sup>th</sup> July 2022 setting out the local highway authority's pre-application advice. In this letter it was requested that a Transport Strategy should be prepared and submitted with the application, to demonstrate how the transport elements will be delivered over time. Although a Transport Assessment (TA) has been submitted which has considered and assessed the transport impacts upon completion of the Development, a Transport Strategy is required as a live document and umbrella to the suite of other documents including the Framework Car Park Management Plan (CPMP), Framework Travel Plan (FTP), Framework Delivery and Servicing Plan (FDSP) and Framework Construction Traffic Management Plan (FCTMP). The Transport Strategy should carefully consider how the phasing of transport infrastructure (which is discussed in the Design and Access Statement (DAS)) would be delivered, which is important given the scale of the site and long build out programme of approximately nine years.

Detailed comments on the application documents relevant to transport issues are set out in turn in the subsequent paragraphs.

### **Transport Assessment**

In paragraph 1.2 it should be noted that the site is nearer to Gravesend than Dartford, with it being four kilometres from Gravesend town centre.

Figure 2.2 only shows the 2 kilometre walk isochrones and not the 800 metre isochrones as well, which are helpful in illustrating what is accessible within a 10 minute walk. The 800 metre isochrones should also be provided.

Paragraph 2.13 refers to bus stops on Taunton Road. A description of the walking route between the site and the bus stops should be provided, include the crossing opportunities.

Paragraph 2.29 notes that accident data from Crashmap has been analysed and not data from Kent County Council (KCC). An analysis of the KCC data should be provided as part of a supplementary Transport Assessment.

Although not yet adopted, the applicant should consider the relevance of policies contained within the Gravesham Borough Council Regulation 18 Stage 2 Consultation Part 1: Local Plan Core Strategy Partial Review and Site Allocations and Part 2: Draft Development Management Policies documents. For each of the policy documents set out in Chapter 3, it should be demonstrated how the development proposals comply with the policies, rather than just list out the relevant policies.

A plan is required showing what is proposed at podium level. In particular, this should show the route of the proposed diversion of the A226 Galley Hill Road. The design of the diverted route will need to be assessed since it forms part of the site access arrangements. The diverted route under the podium should have a low-level verge to be maintained for emergency use by vehicle occupants and to maintain the design sight-lines on bends. A verge should be provided for an emergency walkway and it should be designed to the guidance and recommendations in the Department for Transport publication Inclusive Mobility. It is understood that this route also provides access for refuse collection at the stadium. How will this route accommodate the manoeuvres of refuse vehicles?

Figure 4.3 does not provide sufficient details of the proposals for the road layout. The changes proposed in paragraph 4.13, notably the realignment of the A226 and related junction alterations, as well as the proposed segregated Fastrack route should be shown on a plan. Further to this, what is the internal road hierarchy? What are the proposed primary route(s), secondary routes and potentially tertiary routes?

Paragraph 4.24 sets out the proposed six vehicular site access points. Although this is an outline planning application, means of access into and out of the Site from the highway network is being determined at this stage. It is therefore important that the proposals for each access point are clearly understood and assessed. As requested in the pre-application advice, site access plans (including changes to the highway) should be provided at an appropriate scale (1:500) including pedestrian and cycle access points, the highway boundary (which can be obtained by contacting [highwaydefinitionsearches@kent.gov.uk](mailto:highwaydefinitionsearches@kent.gov.uk)), appropriate vehicle visibility splays, vehicle tracking, and appropriate pedestrian and cycle crossings. Vehicle tracking is particularly important given that the diverted A226 Galley Hill Road would be used by a significant proportion of goods vehicles associated with the existing industrial units in the local area. Vehicle tracking should demonstrate that the proposed amendments to the A226 Galley Hill Road can safely accommodate 16.5 metre Heavy Goods Vehicles. The appropriate access points should be tracked for a 12.2 metre electric bus but also checked for an 18 metre articulated bus, as has been the case for other developments. KCC will not generally accept lane widths of 3 metres. 3.6 metres is desirable and 4 metres is required where there are double turning lanes at junctions. Narrower lanes will cause safety issues for motorists with little margin for error, particularly where larger vehicles are involved. Is it intended that dedicated facilities for cyclists are provided at any of the site access points? Any cycle crossing points should be designed in line with LTN 1/20 and shown on the access plans.

An adoption plan should be provided where possible and a plan of the highway land proposed to be stopped up. As Galley Hill Road is an A class road, any changes to this highway should be designed to DMRB standards.

Paragraph 4.53 states one cycle parking space will be provided for each dwelling. Whilst this is in line with SPG4, EDC's Sustainable Travel Strategy requires one per bedroom, which may be more appropriate in this location and given the low parking provision.

Paragraph 5.25 states mode share for Ebbsfleet is 60%. This is incorrect.

Paragraph 6.8 states "*public transport model and associated variable demand model calculations will not be carried out for this task order as this assessment is not required by KCC*". To be clear, whilst it was agreed not to use the KTM for this purpose, it was requested that the PT element was assessed in a desk based assessment i.e calculate journey times using timetables and modelling results.

Paragraph 8.4 refers to a signal scheme proposal for junction 4 associated with Blue Lake. To confirm, the Blue Lake site does not have planning permission, nor does it have a live application.

Appendix J contains plans showing the proposals for the A226 Thames Way / B2175 Stonebridge Road and the A226 Galley Hill Road / Northfleet Industrial Estate junctions, at a scale of 1:1000 at A3. Break lines are shown where the road continues. However, this is not sufficient and the full road layout should be shown for the diverted section of the A226. A control / monitoring system such as UTMC must be included in the detailed design proposals for all signal junctions. These plans should also be updated with the additional information requested above. The proposed speed limits should also be clarified. On the B2175 Stonebridge Road, the existing pedestrian crossing facility at the roundabout is proposed to be removed. This should instead be replaced with a signalised pedestrian crossing. What are the access proposals for the existing Plough / Golden Grill in this location? No plans have been submitted for the other site access junctions, but these are required.

A Stage 1 Road Safety Audit was requested as part of the pre-application advice. However, this is outstanding and should be submitted along with the Designers Response to determine the acceptability of the access proposals. Any departures from standards must be highlighted.

Further detail is required regarding the proposed Fastrack Route. Specifically, this includes the following points:

- What is the route for Fastrack across the site? How does this relate to the cross-section for the Bus Corridor shown in Figure 4.5?;
- How does the proposed segregated Fastrack route connect to the road network at either end of the segregated section? Plans showing the proposed junctions should be submitted (one of

which is noted as the Grove Road / B2175 Stonebridge Road junction), which should include Fastrack priority measures such as bus gates and green wave at signals;

- How does the mode share presented in Table 4.2 relate to the actual forecast of passenger numbers? Has this been based on 2011 or 2021 Census data?
- Where would the bus stops within the site be located (this should be shown on a plan) and what facilities would be provided at these bus stops? and
- How would the proposed segregated Fastrack route affect existing Fastrack journey times?

What are the proposals for commercial bus services? In addition to Fastrack, routes 3, 34, 306, 480 Sapphire, 490 Sapphire and X55 currently serve stops within the site. How are the bus stops known as Taunton Road impacted by the proposed diversion of the A226 Galley Hill Road?

Figure 4.4 shows the pedestrian access points. It does not show a pedestrian route connecting onto Grove Road and this should be reconsidered. The redevelopment of the site bordering the eastern side of Grove Road, along with associated pedestrian and segregated cycle upgrades to Grove Road, is uncertain. Therefore, since this site shares a boundary with Grove Road to the east, pedestrian and cycle improvements to Grove Road should be considered as part of the proposals.

How do the pedestrian routes shown in figure 4.4 relate to the proposed diversion of the Public Right of Ways referred to in paragraph 4.27, including KCC's ambition to divert the English Coastal Path through the site upon completion of the development? PROW NU1 and National Trail, the England Coast Path will be affected, and further information is required. Please see separate comments from the PROW team.

Figure 4.6 shows the cycle access points. Similarly to pedestrians, it does not show a cycle route connecting onto Grove Road. Indeed, whilst several north-south cycle routes are shown, there is a lack of east-west cycle routes shown on figure 4.6. There is likely to be an existing demand for cyclists travelling from the B2175 Stonebridge Road which should be accommodated. 3 metre shared footway / cycleways as referenced in paragraph 4.31 and shown in Figure 4.5 are not acceptable. This also applies to the realigned A226 Galley Hill Road which is proposed to provide facilities for cyclists. Cycleways should be segregated from footways to provide high quality and attractive routes for pedestrians and cyclists. This is made clear in LTN 1/20 which states that "*on urban streets, cyclists must be physically separated from pedestrians and should not share space with pedestrians.*" A 0.5m verge is proposed, but KCC require a minimum of 1 metre in width to be a functional component of the public realm.

It is assumed that the cross sections shown in Figure 4.5 relate to the realigned A226 Galley Hill Road (the HGV Access Corridor) and the segregated Fastrack route (the Bus Corridor), but this should be made clear and further commentary will subsequently be provided.

The principle of a Mobility Hub is supported. The proposed location should be shown on a plan, since it is important for it to be conveniently located and accessible by a range of sustainable modes. It should include all of the features listed in paragraph 4.36 of the TA.

Table 4.2 presents the car ownership data from the 2011 Census for the local area. This supports the assertion that the existing levels of car ownership are low for flats and maisonettes. It is also acknowledged that with appropriate sustainable travel measures, including a car club and mobility hub, there is potential for a further reduction in car use at the site. With this in place, an overall residential parking provision of 0.5 spaces per unit may be acceptable.

Please provide further evidence to show how many car club vehicles are required, so these can be secured. The EDC Sustainable Travel Strategy states "*The aim should be for every resident to have access to at least two car club parking bays within 5 minutes walking radius*".

For non-residential uses, the proposed car, EV, motorcycle and disabled parking provision for each land use should be set out against the relevant parking standard to allow the proposed provision to be assessed. The scope to reduce overall parking through shared provision can then be explored. Will any parking for the existing uses be retained? Does sufficient capacity exist on alternative modes to meet demand and ensure there are a choice of modes available as alternatives to the private car? The

Ebbsfleet United Football Stadium website currently directs drivers to park in Ebbsfleet International Car Park C. Do the proposals also include promoting the Station to park? Ebbsfleet International Car Parks are currently included in the Ebbsfleet Central application which is currently live (EDC/22/0168).

The applicant has indicated that their intention is to use the Kent Transport Model to assess the highway impacts of the proposals, which is supported. KCC looks forward to further discussions with the applicant regarding the model inputs and outputs. In the interim, some initial comments on Chapter 5 on Trip Generation and Chapter 6 on Traffic Assessment Methodology are given in the following paragraphs.

As set out in the pre-application advice, it was recommended that the traffic associated with the existing uses to be replaced by the Development was surveyed. This has not been undertaken and it has instead been decided not to discount the existing uses from the proposed development traffic. This methodology is acceptable.

Paragraph 5.8 states that Private Flats have been used to derive residential trip rates. However, the TRICS output in Appendix G shows that Mixed Private Housing trip rates have been used. The total vehicular residential trip rates presented in Table 5.4 are different from those in Appendix G. Please confirm the correct trip rates. Table 5.4 should also provide the unit (e.g., per dwelling or 100 sqm etc).

Why has the trip attraction for the stadium not been considered and why is it excluded from Table 5.4, when paragraph 6.28 states that the assessment will consider the stadium fully operational at maximum capacity of 8,000 spectators? The discrepancy should be clarified. Whilst the stadium is an existing use, the current capacity is 4,769 (of which 2,179 are seated), whilst the proposed capacity is stated to be an uplift to 8,000 seats in paragraph 4.3. The Design and Access Statement states that it could also hold major events of between 10,000 – 18,000 visitors. How often would major events take place? It is recommended that an Event Management Plan is submitted for review and secured by planning condition.

The two retail factory store surveys undertaken on a Sunday do not provide a robust basis on which to assess the weekday AM and PM peak hours, particularly since Sunday trading hours are different.

Whilst the principle of applying an internalisation factor to trip rates at a mixed use development is accepted, the factors set out in paragraph 5.18 should be supported by evidence to justify the reductions.

The mode shares are presented in Table 5.6 of the TA. For the residential development, 29% of trips as car driver appears too low, as does just 3% of trips by rail, given the convenience and attractiveness of commuting to London for work from the site. The vehicle occupancy and pedestrian mode shares look significantly high. Further evidence / justification is required in order for this to be accepted.

The assessment scenarios should also consider With and Without Ebbsfleet Central scenarios, since the Ebbsfleet Central site is located in proximity to the development site and the planning application has not yet been determined.

The traffic counts listed in paragraph 6.24 have not been provided for review and are required (Excel format would be appreciated). Plans should be provided (to scale) showing assumed geometry for the model inputs.

Paragraph 6.35 states that traffic has been distributed in accordance with existing turning movements. This is too simplistic for a development of this scale and is not acceptable. Distribution, including the use of 2011 / 2021 Census journey to work data can be discussed in more detail as part of the KTM work.

The ability of the railway network to accommodate the increase in demand should be explored and confirmed, assuming a worst-case scenario. This was requested during pre-application advice and has not been set out in the Transport Assessment.

### **Pedestrian and Cycle Audit**



A desk-based audit of the existing walking and cycling routes has been undertaken from the site boundary to Ebbsfleet International Station, Northfleet Railway Station and Swanscombe Railway Station. A desk-based audit is not sufficient to provide an accurate assessment and a site visit should be undertaken instead.

It is unclear whether the audit assesses the existing situation or the future scenario with the development in place. For example, the proposals show the need to cross the B2175 Stonebridge Road to access Northfleet rail station. However, the site access proposals provided in Appendix J of the Transport Assessment do not show a pedestrian crossing facility on the B2175 Stonebridge Road to replace the existing crossing.

In terms of the routes considered, whilst the routes to the nearest rail stations are important, routes to the nearest town centres, primary and secondary schools should be assessed as well. This is particularly the case for schools since the proposals comprise approximately 3,500 residential units.

The audit states that segregation for cyclists along the route to Northfleet rail station could make this route more attractive to cyclists. It also states that pedestrian crossings on the route to Ebbsfleet station should be moved to the desire lines. Plans illustrating the exact location of these proposals should be submitted.

A description of the facilities at Northfleet Station for pedestrians and cyclists should be included in the audit / within paragraph 2.16 of the TA. Improvements may be required.

### **Framework Travel Plan**

The FTP does not provide sufficient detail in respect of the proposed measures, monitoring and review mechanism. It should be expanded with further details provided on, but not limited to the following:

- The type of cycling parking which is proposed since residential and non-residential uses will have different requirements. Cycle parking should be high quality to ensure it will be safe and well-used. A proportion of cycle parking spaces should be designed for disabled / adapted cycles and bikes for hire should be included and costed within the FTP;
- Showers, lockers and changing facilities should be provided for use by the non-residential uses on the site;
- The Mobility Hub should be referred to in the FTP, since it could function as a focal point for the proposed travel planning measures;
- The targets should be considered alongside the trip generation set out in the TA, once it has been agreed;
- Why is the target only 5% reduction in car based trips? The standards approach is 10%.
- What remedial measures would be taken should the Travel Plan not achieve its targets?
- A proposal to establish a Transport Review Group, of which the Travel Plan Co-Ordinator would form part of as well other key stakeholders which should be identified;
- The review and reporting should be managed through the Transport Review Group;
- The monitoring mechanism should acknowledge that the development will be built in phases with the construction programme lasting over nine years, with first occupation taking place at the end of year 5 (according to the Construction Programme shown in figure 5.3 of the Construction and Demolition ES Chapter). The monitoring period will need to commence at occupation and then continue every six months for a period until at least five years after full occupation. The monitoring period in the FTP should be updated accordingly;
- An example travel survey which could be used as part of the Monitoring Programme should be provided. This should include site wide vehicle, pedestrian, cycle and public transport monitoring surveys, information on car club usage and parking surveys in the local area to confirm the site is not generating on street parking issues elsewhere;
- Details of the on-site car club should be included in the Travel Plan, including the number of spaces to be provided; and
- An adult annual Thameside bus ticket should be provided for each resident at the development and for each member of staff employed at the non-residential uses. Alternatively, the same cost may be distributed in the form of KCCs MAAS equivalent credits, if this is available at the time.

The FTP would form the framework for the development of a Side Wide Travel Plan as the development is built out.

### **Framework Construction Traffic Management Plan**

The construction programme in Table 3.1 shows that it has a construction period over at least nine years, which contradicts the 6-7 year duration referenced in paragraph 3.2.

The proposed HGV routes shown on Figure 4.1 are supported. HGV's associated with construction should be restricted to the identified routes.

Paragraph 4.6 refers to access points for vehicles and pedestrians. Where will these be located for phase one and phase two? Paragraph 5.1 notes that a limited amount of parking will be provided, but how much and where will it be located? A figure showing the construction routes and access points into the site would be helpful. Access to existing businesses and properties should be maintained.

Paragraph 5.71 and Figure 5.14 of the Demolition and Construction ES Chapter contain an estimate of HGV numbers, which could be as high as 128 HGV movements per day. The estimated numbers should be included in the FCTMP.

No mention is made of the potential for the river to be used to transport materials during construction and therefore mitigate the potential impact on the local road network. Since the site has a section of river frontage, has use of the river been considered as part of the proposals? It appears that part of the existing jetty lies within the site, whilst part of it is not in the red line boundary. Confirmation should be provided as to whether the jetty is within the applicants control and could be used during construction.

What is the anticipated mode share for construction workers? Construction workers should be encouraged to travel by sustainable means as far as possible and a Construction Worker Travel Plan should form part of the Construction Traffic Management Plan.

### **Framework Delivery and Servicing Plan**

The principles set out in the FDSP are supported. The FCSP should be reviewed as Reserved Matters Applications come forward for individual development plots.

### **Framework Car Park Management Plan**

Further justification is required to support the proposed parking provision referenced in paragraph 1.4 and Table 1. This document should also set out the number of disabled, motorcycle and EV car parking spaces.

The number of potential permits issued to each residential unit should correspond to the number of spaces permissible under the adopted Car Parking Standards.

The FCPMP should consider how site users will be prevented from parking in Ebbsfleet rail station car park, particularly when events are held at the stadium.

The FCPMP should be reviewed as Reserved Matters Applications come forward for individual development plots.

Paragraph 3.6 states that "*car parking will be restricted along the internal roads at the site*" and that "*parking restrictions will prevent parking at all times along the Fastrack bus route*". Gravesham Borough Council are the parking authority and will need to enforce parking restrictions on the adopted highway. Any areas that remain unadopted will need to be enforced privately.

The FCPMP should include a commitment to undertake surveys of parking on local roads (pre- and post-occupation), in co-ordination with the FTP. A plan should be provided for agreement, showing the extent of the area to be considered. Initiatives should be set out to demonstrate how the Applicant would reduce this impact, should an issue be highlighted. This may include a financial contribution towards the consultation for the introduction of parking controls.

### **Parameter Plans**

Parameter plan drawing number NFH-UNS-MAST-DR-1014 shows the Highway Access proposals and parameter plan drawing number NFH-UNS-MAST-DR-1020 shows the Highway Proposals Overview. Neither plan identifies a dedicated segregated Fastrack route, which paragraph 4.20 of the TA states will be provided. The Fastrack route should be shown on a plan accordingly. Similarly, the two bus stops referred to in paragraph 4.20 of the TA should also be shown on the plans.

### **Design and Access Statement**

Section 7.2 of the DAS concerns phasing of the road network. The provision of the realigned A226 Galley Road in the first phase during Years 0-2 is supported. The proposed junction alterations of the A226 Galley Hill Road / B2175 Stonebridge Road, A226 Galley Hill Road / Lower Road and Lower Road / Northfleet Industrial Estate junctions should also be delivered in this phase. The proposed closure of the realigned A226 Galley Hill Road in the second phase during Years 2-4 will not be supported until these works have been delivered. A stopping up order will be required for the existing section of the A226 Galley Road which will be diverted and this should form part of the programme and shown on a plan. Vehicle access to the existing industrial uses off Lower Road will need to be maintained.

### **Traffic and Transport ES Chapter**

Paragraph 7.11 states that the ATC Surveys took place between 12th July 2022 to 25th July 2022 and the MCC surveys took place on Tuesday 12th July 2022. The applicant should confirm that the ATC's were undertaken before school holidays commenced at local schools.

### **Structures**

It is assumed that the proposed tunnel will be offered for adoption and will therefore need to undergo technical approval by the structures team (as stated in pre-app). If it is not, then it will still need an element of approval due to its proximity to the adopted highway. There are 3 existing structures which look like they may be affected, dependent on the final junction layout details and additional ones which look to remain unaffected. These may also require technical approval if they are affected in any way. I note there was reference to basements and piling, if any of these works are within 3.66m of adoptable highway, they may also require approval as a highway structure. Depending on final levels, there may be retaining walls or wing walls on the tunnel approaches which may also need technical approval.

The applicant should contact the structures team as soon as they have a more advanced design so that KCC structures can begin the technical approval process and identify all the affected assets that may require approval and potentially identify items which can be altered to remove the need for approval.

### **Conclusion**

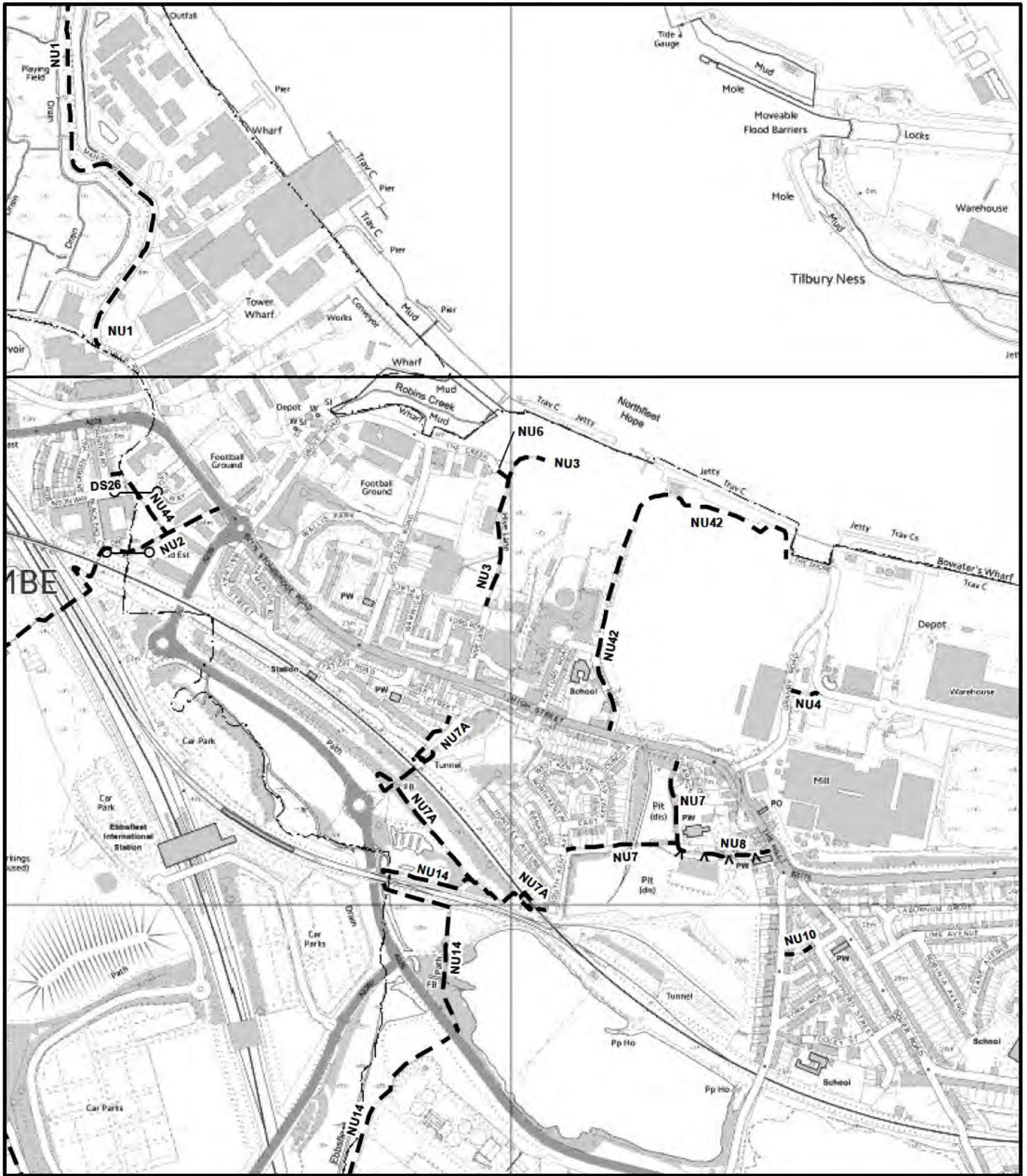
In conclusion I would like to place a **holding objection** on the application until the above issues have been resolved. Should the application be determined before the issues have been resolved, the below conditions / S106 requests should be secured.

### **Suggested Conditions / Obligations**

At this stage it is envisaged that the following conditions / obligations will be sought. There may be additional requirements once the further information set out in this letter has been provided.

- Site Access points to be provided and open for use prior to occupation of the site.
- Best endeavours to implement TRO's for the segregated Fastrack route, diverted section of the A226 and internal roads, prior to occupation, to prevent ad hoc parking. The cost of preparing and implementing the TRO's will be at the Applicants expense. Private parking enforcement will be required on all non-adopted roads.
- All signal junctions along the Fastrack route are required to have Fastrack priority. As an absolute minimum this comprises green wave and UTMC technology.
- A segregated 6.75m Fastrack route, and segregated cycle route to be provided through the site between the B2175 Stonebridge Road / Grove Road and Lower Road. It should be open for use upon first occupation of the site.
- A diverted route for the A226 between Lower Road and the B2175 Stonebridge Road and should be open for use upon first occupation of the site.

- A signalised pedestrian crossing point on the B2175 Stonebridge Road to be open for use upon first occupation of the site.
- A contribution may be required towards Northfleet Rail Station improvements.
- Improvements to be undertaken to provide pedestrian facilities and a segregated cycleway on Grove Road prior to occupation of the 500<sup>th</sup> unit.
- Improvements / financial contribution secured through the S106 for improvements to the PROW network.
- A Mobility Hub to be provided at a central location within the site. As a minimum, this should contain: Electric car club vehicle with plug in charge point; electric bike hub with plug in charge point, bike hire, docking station & bicycles, bicycle stands and lockers, bicycle repair stand, bicycle pump, and an information terminal.
- A Site Wide Travel Plan is required to be submitted three months prior to first occupation of the site, based on the FTP. The Travel Plan should contain (as a minimum) site wide vehicle targets, a monitoring strategy, an action plan to be implemented to meet the targets, remedial measures to be implemented should the targets not be met, details of a transport fund to fund the remedial measures, and details of the Transport Review Group. Full Travel Plans for each individual use meeting the appropriate thresholds should be submitted to and agreed by the Council a minimum of three months prior to occupation of their associated use. These must be in accordance with the Site Wide Travel Plan.
- The Travel Plan must be monitored on a six monthly basis and needs to record the numbers of vehicles entering and leaving the site, with the results reported to the Transport Review Group within 3 months. The surveys should also record numbers of pedestrians, cyclists and public transport users. Monitoring must include on and offsite parking survey to capture any ad hoc parking and is to be paid for by the Applicant. The extent of the survey should be agreed with KCC and set out in the Full Travel Plan.
- A KCC Travel Plan monitoring fee of £1422 every five years is required and should be secured via the S106.
- A transport fund to be secured, to implement remedial measures, should the Travel Plan not achieve its targets or there are other issues identified that need to be rectified. Suggested contribution of between £300 and £2000 per unit.
- An annual Thameside bus ticket worth £820 for each resident and staff member who requests one / equivalent cost in KCC's MAAS equivalent scheme credits, if this is available, to be secured through the S106 and delivered upon occupation.
- A minimum of £50 per unit for cycle vouchers for the residential units, to be secured through the S106 and delivered upon occupation.
- A financial contribution will be required for new bus shelters at the Taunton Road bus stops, and Fastrack stops within the site, secured via the S106.
- A car club to be implemented on site with a minimum of three cars, with a minimum of one vehicle on site upon occupation. A number of the vehicles should be electric with associate charging facilities. One year's free membership and £50 driving credit should also be secured for the site users, to encourage take up.
- In line with KDG, an emergency or secondary vehicle access point must be available prior to the occupation of the 50<sup>th</sup> dwelling and connect to the highway of the primary access. A secondary access must be available prior to the occupation of the 300<sup>th</sup> dwelling.
- Pedestrian, cycle and public transport facilities to/from buildings / phases should be operational prior to their associated use.
- Vehicle, Disabled, Motorcycle, Cycle and Electric Vehicle parking provision set out in any subsequent RMAs to be based on KCC's parking standards at the time to ensure the most appropriate standards are implemented.
- A Car Park Management Plan to be submitted and implemented prior to first occupation.
- A Delivery and Servicing Plan to be submitted prior to first occupation.
- A Construction Traffic Management Plan will be required for future RMAs, based on the Framework CTMP which has already been submitted.
- An Event Management Plan to be submitted and implemented prior to first occupation of the stadium.



- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic
- Point path number or status changes
- Boundary of area covered by 1:2500 scale Network Map
- Area covered by 1:2500 scale Network Map

**EXTRACT OF THE WORKING COPY OF THE  
DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY  
FOR THE COUNTY OF KENT**

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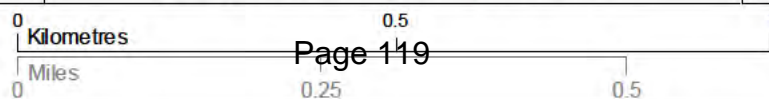
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## Appendix 1A

### Education

Site Name	NORTHFLEET HARBOURSIDE – LAND SURROUNDING EBBSFLEET UNITED
Reference No.	GR 2022 1064
District	Gravesham

	<b>Houses</b>	<b>Flats</b>	<b>Total</b>
<b>Unit Numbers</b>	<b>1589</b>		<b>1589</b>

<b>Primary Education</b>			
	<u>Per house</u>	<u>Per flat</u>	
<i>Primary pupil generation rate</i>	0.28	0.07	
<b>New Primary Pupils generated from this development</b>			<b>111</b>
<b>New Primary School build contribution</b>			
	<u>per Pupil</u>	<u>per House</u>	<u>per Flat</u>
<i>New Build Rate</i>	£24,286	£6,800	£1,700
<b>Contribution requested towards New Primary School Build</b>			<b>£2,701,300.00</b>
			<hr/> <hr/>
<b>Total Primary Education build contribution</b>			<b>£2,701,300.00</b>

<b>Secondary Education</b>			
	<u>Per house</u>	<u>Per flat</u>	
<i>Secondary pupil generation rate</i>	0.20	0.05	
<b>New Secondary Pupils generated from this development</b>			<b>79</b>
<b>New Secondary School build contribution</b>			
	<u>per Pupil</u>	<u>per House</u>	<u>per Flat</u>
<i>New Build Rate</i>	£25,880	£5,176	£1,294
<b>Contribution requested towards New Secondary School Build</b>			<b>£2,056,166.00</b>
<b>New Secondary School site contribution</b>			
Residential Land Price per acre for Gravesham			£800,000
	<u>Pupils</u>	<u>Hectares</u>	<u>Acres</u>
<i>6FE Secondary School</i>	900	8.00	19.768
	<u>per Pupil</u>	<u>per House</u>	<u>per Flat</u>
<i>Land Rate</i>	£17,571.56	£3,514.31	£878.58
Total = Secondary School Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New Secondary School) = 19.768 x 800000 x (79.45 / 900)			
<b>Contribution requested towards New Secondary School Site</b>			<b>£1,396,060.09</b>
<b>Total Secondary Education Build and Land contribution</b>			<b>£3,452,226.09</b>

**Appendix 1A**

**Education**

Site Name	NORTHFLEET HARBOURSIDE – LAND SURROUNDING EBBSFLEET UNITED		
Reference No.	GR 2022 1064		
District	Gravesham		
	<b>Houses</b>	<b>Flats</b>	<b>Total</b>
<b>Unit Numbers</b>		<b>1589</b>	<b>1589</b>

<b>Special Education Needs</b>			
	<b>Per house</b>	<b>Per flat</b>	
<i>SEN pupil generation rate</i>	<i>0.0110</i>	<i>0.0027</i>	
<b>New SEN Pupils generated from this development</b>		<b>4</b>	
<b>New Special Educational Needs build contribution</b>			
	<b>per Pupil</b>	<b>per House</b>	<b>per Flat</b>
<i>New Build Rate</i>	<i>£45,916</i>	<i>£505.17</i>	<i>£126.29</i>
<b>Contribution requested towards New SEN School Build</b>			<b>£200,674.81</b>
<b>Total SEND build contribution</b>			<b>£200,674.81</b>

Notes

**Costs** above will vary dependant upon land price at the date of transfer of the school site to KCC

**Totals** above will vary if development mix changes and land prices change

## KCC Communities

### Development Contributions Assessment

Site Name	NORTHFLEET HARBOURSIDE - LAND SURROUNDING EBBSFLEET UNITED FOOTBALL CLUB, BOUNDED BYLOWER ROAD, RAILWAY LINE, GROVE ROAD THE RIVER THAMES
Reference No.	GR 2022 1064
District	Gravesham
Assessment Date	16/12/2022
Development Size	3,600

#### EXPORT Basic Guidelines:

- Add the Site's name and Reference No. if available
- Select the District that the development is located in
- Enter the size of the development

#### DO NOT EDIT ANYTHING ELSE ON THIS SHEET!

- Click 'Export' to create a copy of the assessment

#### After exporting:

- Add projects to bottom part of each service as appropriate

COMMUNITY LEARNING & SKILLS	
	<b>Services</b>
Current Service Capacity	1,484
LESS Current adult participation in Gravesham district	1,558
Initial capacity <i>shortfall/surplus</i> (Year ending 2019)	-74
<b>New adult participation from this development</b>	<b>125.62 clients</b>
Will service capacity be exceeded?	<b>YES</b>
<b>Contributions requested from this development</b>	<b>£18.42 per dwelling</b>
<i>3500 dwellings from this proposal</i>	<b>£57,470.00</b>

YOUTH SERVICE		
	Centre and Hub based Services	Outreach and Targeted Services
Current Service Capacity	1,377	742
LESS Current youth participation in Gravesham district	1,446	779
Initial capacity <i>shortfall/surplus</i> (Year ending 2019)	-69	-37
<b>New youth participation from this development</b>		<b>175 clients</b>
Will service capacity be exceeded?		<b>YES</b>
<b>Contributions requested from this development</b>		<b>£85.50 per dwelling</b>
<i>3500 dwellings from this proposal</i>		<b>£229,250.00</b>

LIBRARIES	
	<b>Library Stock and Services</b>
Libraries assessed for this development	12,381
Current Service Capacity	13,001
LESS Current library participation in Gravesham district	-619
Initial capacity <i>shortfall/surplus</i> (Year ending 2019)	
<b>New borrowers from this development</b>	<b>1020.6 borrowers</b>
Will service capacity be exceeded?	<b>YES</b>
<b>Contributions requested from this development</b>	<b>£55.45 per dwelling</b>
<i>3500 dwellings from this proposal</i>	<b>£194,075.00</b>

<b>Net contributions requested for KCC Communities' Services</b>	<b>£480,795.00</b>
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Community Learning

19+

District	2019	2026	2031	2019-2031
Ashford	98,700	109,900	118,500	19,800
Canterbury	134,100	143,200	150,500	16,400
Dartford	83,900	97,900	104,000	20,100
Dover	93,300	100,800	102,900	9,600
Folkestone and Hythe	90,700	96,000	100,300	9,600
Gravesham	80,300	84,700	87,300	7,000
Maidstone	132,300	141,200	147,100	14,800
Sevenoaks	92,500	97,200	101,000	8,500
Swale	114,100	120,700	126,600	12,500
Thanet	110,700	120,600	129,500	18,800
Tonbridge and Malling	100,300	106,700	110,800	10,500
Tunbridge Wells	90,600	97,200	101,800	11,200
KCC Area	1,221,500	1,316,100	1,380,300	158,800

2019 Service Demand
1,915
2,602
1,628
1,810
1,760
1,558
2,567
1,795
2,214
2,148
1,946
1,758
23,697

Youth Services

13-19

District	2019	2026	2031	2019-2031
Ashford	10,600	12,700	13,100	2,500
Canterbury	16,100	17,700	18,000	1,900
Dartford	8,600	11,500	12,400	3,800
Dover	8,600	10,000	9,600	1,000
Folkestone and Hythe	7,900	9,000	8,700	800
Gravesham	8,900	10,300	10,700	1,800
Maidstone	13,100	15,700	16,400	3,300
Sevenoaks	9,300	10,900	10,800	1,500
Swale	11,700	13,900	14,200	2,500
Thanet	10,800	13,000	13,200	2,400
Tonbridge and Malling	11,300	13,000	13,200	1,900
Tunbridge Wells	10,000	11,500	11,000	1,000
KCC Area	126,900	149,200	151,300	24,400

2019 Service Demand
2,650
4,025
2,150
2,150
1,975
2,225
3,275
2,325
2,925
2,700
2,825
2,500
31,725

Libraries

All Ages

District	2019	2026	2031	2019-2031
Ashford	130400	144400	154200	23,800
Canterbury	166200	177200	184400	18,200
Dartford	112500	131900	139200	26,700
Dover	117600	126400	127600	10,000
Folkestone and Hythe	11300	119000	122800	111,500
Gravesham	107000	112900	115400	8,400
Maidstone	172400	184500	190600	18,200
Sevenoaks	121100	127800	132000	10,900
Swale	149400	158000	163800	14,400
Thanet	142300	153900	163100	20,800
Tonbridge and Malling	133400	141200	145600	13,200
Tunbridge Wells	119000	126700	131400	12,400
KCC Area	1,481,600	1,703,900	1,770,100	288,500

2019 Service Demand	
Borrowers	Digital Dens
15,844	12,000
20,193	11,700
13,669	10,600
14,288	9,200
1,373	8,800
13,001	10,000
20,947	14,900
14,714	11,200
18,152	13,600
17,289	12,300
16,087	11,800
14,459	10,900
180,014	137,000



### KCC Social Care, Health and Wellbeing

Development Contributions Assessment over the planning period 1/1/2019 to 31/12/2039

Export

Site Name	NORTHFLEET HARBOURSIDE – LAND SURROUNDING EBBSFLEET UNITED FOOTBA
Reference No.	GR 2022 1084
District	Gravesham
Assessment Date	16/12/2022
Development Size	3,500

- EXPORT Basic Guidelines:**
- Add the Site's name and Reference No. if available
  - Select the District that the development is located in
  - Enter the size of the development
  - Click 'Export' to create a copy of the assessment

**DO NOT EDIT ANYTHING ELSE ON THIS SHEET!**

**After exporting:**  
 Editing functions can be performed- feel free to consult the 'Quick Spreadsheet Formatting Guide' as a reference.  
 Remove all irrelevant sections.

<b>Net Social Care contributions requested</b>	<b>£514,080.00</b>
<b>Social Care and Health Services</b>	
<p>Kent County Council has statutory* responsibilities to provide a variety of services that support and care for vulnerable adults and children across the county. In line with KCC Strategy**, the modern focus of the service is to support adults to live fulfilling and independent lives at home and in their community, ensuring adults receive the right care when they need it, and are also supported to get back on their feet when it is appropriate and possible.</p> <p>To support this strategy, KCC seeks contributions toward five priority areas and may choose to apply the whole contribution to a single project, or proportionately between projects. The contribution from the development is the same. The result is greater certainty of project delivery and benefit to new communities to put together workable projects for the community and clients.</p> <p>Proposed new housing development results in additional demands upon Adult Social Care (ASC) services from increases in older people and also adults with Learning, Physical and/or Mental Health Disabilities. Available care capacity is fully allocated already, with no spare capacity to meet additional demand arising from this and other new developments.</p> <p>The focus of Adult Social Care is currently on the five areas listed below, offering a preventative approach to providing care. Based on an agreed set of service delivery models, an annual assessment of the impact of new and existing housing on these services has been carried out. Only the financial impacts relating to new housing are displayed.</p> <p>Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures</p> <p>* Under the Care Act 2014, Mental Health Act 1983 and Mental Capacity Act 2005</p> <p>**<a href="https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing">https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing</a></p>	

<b>A. ASSISTIVE TECHNOLOGY &amp; HOME ADAPTATION EQUIPMENT</b>	<i>Assistive Technology systems and Home Adaptation Equipment are delivered to vulnerable adults in their own homes, enabling them to live with the confidence that help is available when they urgently need it and to remain independent in their own homes.</i>
<b>B. ADAPTING COMMUNITY FACILITIES</b>	<i>Adapting Community Facilities to be accessible for those with both mental and physical disabilities means vulnerable adults can access other support services and facilities safely and comfortably.</i>
<b>C. SENSORY FACILITIES</b>	<i>Sensory facilities use innovative technology to provide a relaxing or stimulating environment for people of all ages with sensory impairment conditions. The facilities may be used to calm stress and anxiety, or to encourage sensory development and social engagement.</i>
<b>D. CHANGING PLACE</b>	<i>Changing Places have additional features than standard accessible toilets to meet the needs of people with a range of disabilities and their carers. These toilets are usually located in or near a popular public area to ensure suitable facilities are available for use by vulnerable adults when necessary.</i>
<b>E. SPECIALIST CARE HOUSING</b>	<i>Specialist care housing includes extra care accommodation and other care living accommodation for those clients with special requirements. These requirements include but are not limited to, the elderly and those with physical and learning requirements.</i>

<b>New Social Care Clients generated from this development</b>	<b>704 client(s)</b>
<i>Forecast SC clients generated from ALL proposed developments within the District (up to 2039)</i>	<i>1,871 clients</i>
<b>Contributions requested from this development</b>	<b>£514,080.00</b>

**Contributions requested towards Specialist Housing in the District, Assistive Technology & Home Adaptation Equipment, Adapting Community Facilities, Sensory Facilities and Changing Places in the vicinity of the development.**

Note: These projects will be delivered once the money is collected except where the implementation of the proposed project(s) relies upon pooled funds, the project will commence as soon as practicable once the funding target has been reached.

**Dev Cons Request Letter - add to main SC section**

<b>Ageing Population Analysis: 2019 - 2039</b>	
District	Gravesham
Existing population aged 65+ in 2019	18,800
Forecast population aged 65+ by 2039	25,200
Forecast Increase*	6,600 (35%)
Forecast additional SC capital needs clients by 2039 (aged 65+)	1,261
From proposed new development	255
From existing housing stock	1,006

\* KCC R&I Interactive Population Toolkit November 2020

## Assessment Summaries

### Overall Client Forecasts

District	Housing 2019-2039	Community Services		
		CLS Clients	YS Clients	Borrowers
Ashford	20,230	726	1,012	5,899
Canterbury	18,257	655	913	5,324
Dartford	20,070	720	1,004	5,852
Dover	12,219	439	611	3,563
Folkestone and Hythe	14,813	532	741	4,319
Gravesham	8,311	298	416	2,423
Maidstone	17,603	632	880	5,133
Sevenoaks	14,229	511	711	4,149
Swale	16,389	588	819	4,779
Thanet	21,511	772	1,076	6,273
Tonbridge and Malling	14,328	514	716	4,178
Tunbridge Wells	14,010	503	701	4,085
<b>KCC Area</b>	<b>191,970</b>	<b>6,890</b>	<b>9,599</b>	<b>55,978</b>

### 65+ Population Forecasts

District	Population Aged 65+		Adapting Com. Facilities Clients (2039)
	2019	2039	
Ashford	25,278	39,640	1,982
Canterbury	34,140	49,059	2,453
Dartford	15,874	23,978	1,199
Dover	27,789	39,536	1,977
Folkestone and Hythe	28,031	41,967	2,098
Gravesham	18,555	25,230	1,261
Maidstone	33,008	47,603	2,380
Sevenoaks	26,098	34,937	1,747
Swale	28,844	40,811	2,041
Thanet	33,820	48,721	2,436
Tonbridge and Malling	24,903	36,435	1,822
Tunbridge Wells	23,056	34,862	1,743
<b>KCC Area</b>	<b>319,396</b>	<b>462,779</b>	<b>23,139</b>



<b>Health and Social Services</b>					
<b>Assistive Technology</b>	<b>Adapting Community Facilities</b>	<b>Sensory Facilities</b>	<b>Changing Place</b>	<b>Specialist Care Housing</b>	<b>Social Care Total</b>
225	2,428	971	243	202	4,068
203	2,191	876	219	183	3,671
223	2,408	963	241	201	4,036
136	1,466	587	147	122	2,457
164	1,778	711	178	148	2,979
92	997	399	100	83	1,671
195	2,112	845	211	176	3,540
158	1,707	683	171	142	2,861
182	1,967	787	197	164	3,296
239	2,581	1,033	258	215	4,326
159	1,719	688	172	143	2,881
156	1,681	672	168	140	2,817
<b>2,131</b>	<b>23,036</b>	<b>9,215</b>	<b>2,304</b>	<b>1,920</b>	<b>38,605</b>

## WASTE SERVICES ASSESSMENT REPORT

### KCC Waste Services

Development Contributions Assessment over the planning period 1/1/2021 to 31/12/2030

Site Name	NORTHFLEET HARBOURSIDE – LAND SURROUNDING EBBSFLEET U
Reference No.	GR 2022 1064
District/Area	Gravesham
Assessment Date	16/12/2022
Development Size	3,500

#### Net Waste contributions requested

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, meaning that it is responsible for the receipt and onward processing/disposal of household waste, providing Waste Transfer Stations (WTS), Household Waste Recycling Centre Services (HWRC) and monitoring closed landfills. Kent residents make approximately 3.5 million visits to HWRCs per year and each household produces an average of a 1/4 tonne of waste to be processed at HWRCs, and 1/2 tonne to be processed at WTSs annually. Kent's Waste Management services are under growing pressure with several HWRCs and WTSs over operational capacity (as of 2020).

In accordance with the Kent Waste Disposal Strategy 2017-2035, contributions may be sought towards the extension or upgrading of existing Waste facilities, or towards the creation of new facilities where a proposed development is likely to result in additional demand for Waste services. Existing Waste services will be assessed to determine the available capacity to accommodate the anticipated new service demands before developers are requested to contribute to additional provision. The proportionate costs of providing additional services for households generated from the proposed development are set out below:

#### A. WASTE TRANSFER STATIONS (WTS)

Additional waste generated by new households increase the throughput of waste and reduce speed of waste processing at Waste Transfer Stations.

1. Applicable dwellings from this development	3,500
2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*	70 100
3. Overall cost of increasing capacity for 70 100 new dwellings by 2030	£9 056 920.00
4. Cost per new dwelling (£9 056 920 / 70 100 new homes)	£129.20
<b>Contributions requested from this development</b>	<b>£129.20 per dwelling</b>
3,500 dwellings from this proposal	<b>£452,200.00</b>
<b>Contributions requested towards Ebbsfleet WTS</b>	

#### B. HOUSEHOLD WASTE RECYCLING CENTRES (HWRC)

Additional households increase queuing times and congestion at HWRC's and increase throughput of HWRC waste.

1. Applicable dwellings from this development	3,500
2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*	64 200
3. Overall cost of increasing capacity for 64 200 new dwellings by 2030	£3 496 974.00
4. Cost per new dwelling (£3 496 974 / 64 200 new homes)	£54.47
<b>Contributions requested from this development</b>	<b>£54.47 per dwelling</b>
3,500 dwellings from this proposal	<b>£190,645.00</b>
<b>Contributions requested towards Ebbsfleet HWRC</b>	

<b>Net Contributions requested for KCC Waste from this development</b>	<b>£642,845.00</b>
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#### Estimated

Note: These projects will be delivered once the money is collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

Waste

Area	WTS Dwellings*	HWRC Dwellings*	MRF Dwellings*	WTS Rate per Dwelling	HWRC Rate per Dwelling	MRF Rate per Dwelling	Total Rate per Dwelling	WTS Project(s)	HWRC Project(s)	Note
Ashford Town and North	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Folkestone WTS	Faversham HWRC	HWRC rate would be applied to northern part of District as per HWRC catchment maps, as this area falls within 20 minute drive time of Faversham HWRC which does have an identified project.
Ashford Rural South	70,100	0	112,300	£129.20	£0.00	£0.00	£129.20	Folkestone WTS	None	HWRC rate would not be applied to southern part of Borough as per HWRC catchment maps, as this area falls outside 20 minute drive time of a HWRC with an identified project.
Canterbury	0	64,200	112,300	£0.00	£54.47	£0.00	£54.47	None	closer of Faversham, Margate or Dover HWRC	
Dartford	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Ebbsfleet WTS	Ebbsfleet HWRC	
Dover	0	64,200	112,300	£0.00	£54.47	£0.00	£54.47	None	Dover HWRC	
Folkestone	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Folkestone WTS	Folkestone HWRC	
Gravesham	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Ebbsfleet WTS	Ebbsfleet HWRC	
Maidstone	0	64,200	112,300	£0.00	£54.47	£0.00	£54.47	None	Maidstone HWRC	
Sevenoaks North	0	64,200	112,300	£0.00	£54.47	£0.00	£54.47	None	Swanley HWRC	
Sevenoaks South	0	0	112,300	£0.00	£0.00	£0.00	£0.00	None	None	
Swale	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Sittingbourne WTS	closer of Sheerness, Sittingbourne or Faversham HWRC	
Thanet	0	64,200	112,300	£0.00	£54.47	£0.00	£54.47	None	Margate HWRC	
Tonbridge North	0	64,200	112,300	£0.00	£54.47	£0.00	£54.47	None	Allington HWRC (refuse facility)	
Tonbridge South	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Tunbridge Wells WTS	Tunbridge Wells HWRC	
Cranbrook & Hawkhurst East Borough	70,100	0	112,300	£129.20	£0.00	£0.00	£129.20	Tunbridge Wells WTS	None	HWRC rate would not be applied to eastern part of District as per HWRC catchment maps, as this area falls outside 20 minute drive time of a HWRC with an identified project.
Tunbridge Wells West	70,100	64,200	112,300	£129.20	£54.47	£0.00	£183.67	Tunbridge Wells WTS	Tunbridge Wells HWRC	

\* Total of new housing across applicable districts up to 2030

## Northfleet Harbourside Outline Planning Application Ref: 20221064

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above outline planning application. I have considered the application details, with particular emphasis on the submitted Mineral Infrastructure Assessment (MIA) prepared by Wardell Armstrong dated as September 2022 and the Planning Statement.

The development proposed by the application would involve the loss of an operational minerals wharf and associated minerals processing facilities (Robin's Wharf). The submitted Minerals Infrastructure Assessment (MIA) seeks to argue a policy exemption from the presumption to safeguard the operational wharf (Site G: Robins Wharf, Northfleet), and the associated mineral plant infrastructure (mortar and mixed concrete and asphalt coated stone product plants). An exemption against criterion 6 or 7 of Policy DM 8: Safeguarding Minerals Management, Transportation Production & Waste Management Facilities of the Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review 2020) (KMWLP) is sought. I have the following comments to make on the MIA in relation to the KMWLP and the relevant national and local plan policy.

In summary, the County Council, as the relevant mineral planning authority **strongly objects** to the proposal on the grounds that it is contrary to national and local development plan policies on safeguarding and would undermine the adopted Mineral Strategy for Kent which relies heavily upon wharves and importation facilities as land won resources are depleted. The proposal is also contrary to the adopted Local Plan Policy as set out in the Gravesham Local Plan Core Strategy Adopted 2014. Details are set out below.

### National Planning Policy Framework (NPPF) (2021)

As a matter of national planning policy, it is important to note that the NPPF, in the context of Section 17, 'Facilitating the sustainable use of minerals', paragraph 209, states that:

*"It is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs."*

Supply comes from a variety of sources – landwon and importation. Kent County Council (KCC) as the Mineral Planning Authority (MPA) for Kent is mandated to maintain landbanks of aggregate minerals, however, importation to meet overall needs is increasingly important as landbanks start to become depleted and cannot be sufficiently replenished. This may be due to geological scarcity and /or environmental constraints on remaining resources. As a result, importation for an increasingly constrained aggregate mineral supply becomes ever more important. This is the case with the landwon sharp sands and gravels that have become depleted in Kent. To meet national policy for aggregate mineral supply it is imperative to maintain importation capacity in the county's wharves and rail depots.

Furthermore, paragraph 210 (e) of the NPPF states that planning policies should:

*"safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material."*

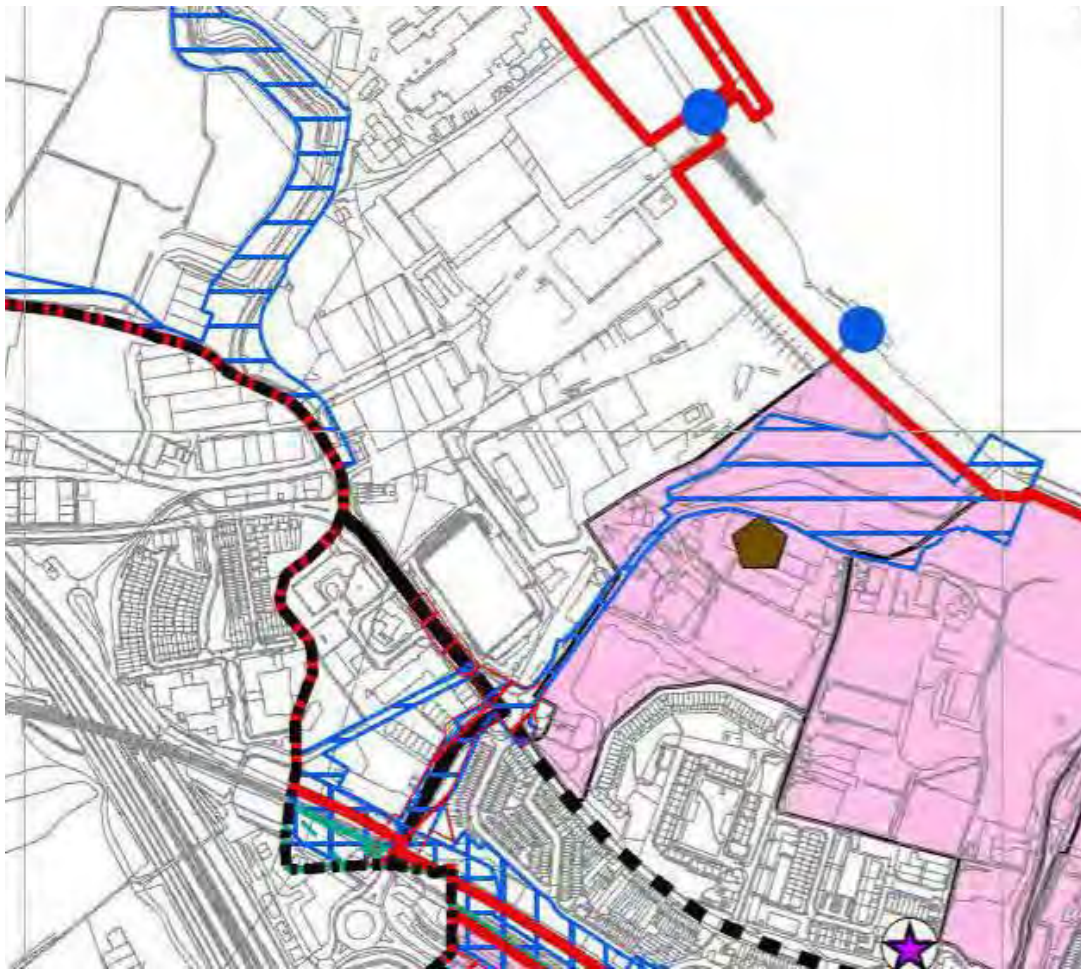
This policy support highlights the vital need for the safeguarding of wharves such as Robins Wharf, as well as the mineral related operations (mortar and concrete manufacture and asphalt coated stone production within the safeguarded wharf operational area) which

Robins Wharf supports. Not to do so would be for both County and Borough Councils to act in a manner that is contrary to national planning policy.





### Local Plan Policy

### Gravesham Local Plan Core Strategy Adopted 2014 and Gravesham Local Plan Core Strategy- Policies Maps Adopted 2014

The application area falls within one of the Opportunity Areas as defined by the Local Plan, subject to policies CS03-CS06.



**GRAVESHAM LOCAL PLAN POLICIES MAP**

-  Plan Area: Borough Boundary (CS01)
-  Opportunity Areas (CS03-CS06)
-  Key Sites (CS03-CS06, CS21)
-  High Speed 1 Safeguarding (CS11)

Extract from Gravesham Local Plan Core Strategy- Policies Maps Adopted 2014



FIGURE 2.1: EXTRACT FROM APPLICATION SITE PLAN (NOT TO SCALE)



Extract from the applicants submitted Planning Statement showing the application site (in red outline).

Of the Policies CS03-CS06, Policy CS03: Northfleet Embankment and Swanscombe Peninsula East Opportunity Area is of particular relevance. It relates to the majority of the area of the application site, this being within the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area (sub-area 1.3). What is important to note is the application site is not one of the Plan's 'Key Sites' for riverside regeneration. It is caveated with the understanding that there are existing uses within the Opportunity Area that require to be taken into account when submitting any proposals for development in this area, despite the policy's objective for local regeneration. Para. 4.4.6 makes this point clearly, as seen in the extract from the plan below (emphasis added):

***'4.4.6 Grove Road and Lower Ebbsfleet Area (sub-area 1.3) consists of a number of separate sites that have regeneration potential. These may be realised during or beyond the plan period depending on the aspirations of the landowners and the viability of development. Viability is likely to be influenced by the relative success of the Ebbsfleet development to the south. The development potential of this area is likely to be further constrained by:***

- *Ground conditions - the area has been actively used for industrial purposes for over 200 years and is likely to be subject to contamination;*
- *Heritage and archaeology - the area around Robin's Creek (outflow of the Ebbsfleet into the Thames) was the site of a medieval watermill later converted to grind cement in the 1790s, Portland cement was later invented here and Aspdin's Kiln (Scheduled Monument) and other features of heritage interest are likely to remain; and*

- ***Existing uses - development of sites on a piecemeal basis is likely to be constrained by the proximity of existing poor neighbours (including the importation and processing of minerals at Robin's Wharf) or the need to retain/decant existing uses (including the local football ground).***

The policy is not identifying the entirety of the sub-area as one where a comprehensive re-development of the sub-area is part of the Plan's regenerative objectives. The component 'separate sites' are not defined and where they exist it is not anticipated that they will necessarily come forward in the adopted Plan's period. Moreover, development in this area will be potentially affected (including in terms of viability) by the existing uses, specifically mentioning mineral importation and mineral product processing. Therefore, the Plan anticipates that any regenerative re-development proposals that were to be submitted would be constrained by existing facilities and the policy clearly does not anticipate their loss. While it is clear that re-development proposals in sub-area 1.3 would be seen as in general accordance with the overall aims of the Plan for regeneration, they would be limited by the potential proximity of the continued existence of the established uses, including mineral importation and mineral product processing.

The applicant's Planning Statement Section 5.0 Planning Policy Statement is in fundamental error in this regard. As it concludes (emphasis added):

*5.22 It is clear from policy at the national and local level that the priority is to bring forward residential-led development in sustainable locations on brownfield land. At the local level there is specific emphasis on delivering development of scale within the Northfleet area and moving away from the space-inefficient industrial uses of the past.*

*5.23 The Proposed Development adheres to these planning policy priorities. It involves the reuse and redevelopment of a large tract of previously developed brownfield land within a highly accessible location, benefiting from excellent local, regional, and international transport links.*

*5.24 Indicative of this, **the entirety of the Site is allocated within an Opportunity Area for growth and regeneration, and the majority of the application boundary is within a sub-area where residential led development has also been identified on one of the key sites. In line with policy priorities, and in order to deliver growth and sustainable development, it is imperative that opportunities for development are capitalised upon on sites such as this, particularly where such Sites are free from significant constraints such as Green Belt designation or nutrient neutrality considerations***

The applicant's analysis ignores Policy CS03's explanatory memoranda that makes clear that any development within the sub-area (1.3) would be *constrained* by the continuance of existing uses in terms of the available area and viability (due to the proximity of these other 'poor neighbour' uses), and it ignores the constraint of mineral infrastructure safeguarding policy (though this is dealt with separately) when it states ".....*particularly where such Sites are free from significant constraints*...." The entire re-development of Sub-area 1.3, as proposed, goes beyond the local plan's policy parameters for the area and should therefore be seen as a departure from this part of the area's adopted Development Plan.

Moreover, Robins Wharf is also safeguarded by the Gravesham Local Plan (2014) under Policy CS11, subject to the provisions of Policy CS07 (Economy, Employment and Skills)

specifically states that the loss of existing commercial wharves shown on the Policies Map and other land-side supporting infrastructure will not be supported unless a study and supporting evidence shows that they are no longer viable for marine related employment purposes or are incapable of being made so at reasonable cost. It states at para. 5.136 of the policy (emphasis added):

***'5.1.36 The loss of existing commercial wharves shown on the Policies Map and other land-side supporting infrastructure will not be supported unless a study and supporting evidence shows that they are no longer viable for marine related employment purposes or are incapable of being made so at reasonable cost, and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council guidance (Appendix 5), or appropriate alternative provision is available or will be provided as part of the rationalisation of facilities that, as a minimum, maintains capacity and provides equivalent or better facilities.'***

Such a study, to demonstrate that existing commercial wharves are no longer viable and cannot be made viable, has not been provided as part of the application. Moreover, the assertion that 'appropriate provision' is available is not accepted by the County Council for reasons that will be enlarged upon below when discussing wharf capacity in relation to the exemption from the presumption to safeguard policies of the Kent Minerals and Waste Local Plan 2013-2030. The proposal is therefore contrary to Local Plan Policies CS03 and CS07.

Furthermore para. 2.6.3 of the Local Plan confirms that the River Thames is an important resource for passenger and freight transport and states that:

*'There are a number of commercial wharves, the majority of which are in operational use, that are important to facilitate the sustainable transport of minerals and other goods by water.'*

The following Local Plan para. 2.6.4 confirms that there will be a need to ensure, amongst other things, that:

*• commercial wharves and other sites needed to support the River Thames as a working waterway are retained or appropriate alternative provision is available or will be provided where rationalisation is proposed to allow regeneration to take place;*

The Spatial Vision of the Local Plan at para. 3.1.3 envisages, amongst other things, that:

*"As a minimum, the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway will have been retained."*

In similar terms Strategic Objective 18, which applies across the Borough, seeks to:

*"As a minimum, safeguard the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway".*

The adopted Local Plan recognises the importance of the River Thames and its associated importation and exportation infrastructure for sustainable transport of goods, this includes

mineral wharves as they remain a commercial activity, as recognised by Local Plan Policy CS11: Transport that states at para. 5.5.43 that (emphasis added):

*“The council will support proposals which improve the efficiency freight transport and provide opportunities for alternative road transport where possible. The **Council will safeguard wharves**, as shown on the Policies Map, subject to the provisions of paragraph 5.1.36 of Policy CS07 (Economy, Employment and Skills)”.*

The proposal is contrary to Local Plan Policy CS11 as, in the absence of a study that demonstrates objectively that the affected wharves are no longer viable for their marine related employment purposes and cannot be made so at reasonable cost, or appropriate alternative provision (at a new comparable location that maintains the facilities capacity or enhances it) the loss of Robins Wharf would adversely affect the ability of the area’s sustainable transport infrastructure to operate at the current and safeguarded capacity. Thus, reducing the ability of the River Thames to be utilised as a sustainable alternative to road transportation.

### **Kent Minerals and Waste Local Plan 2013-30 (KMWLP) (Early Partial Review 2020) and the Submitted Minerals Infrastructure Assessment (MIA)**

Policy CSM 2: Supply of Land-won Minerals in Kent of the KMWLP ensures that the Plan meets the NPPF requirement of maintaining the minimum required land-bank of reserves to meet identified needs. However, as discussed above in relation to this NPPF requirement, this is no longer possible in regard to the sharp sands and gravels. Policy CSM 2 recognises this with the caveat ‘*while resources allow*’. The demand will, the policy goes on to state (emphasis added):

*‘..... instead be **met from other sources**, principally a combination of recycled and secondary aggregates, **landings of Marine Dredged Aggregate (MDA)**, blended materials and imports of crushed rock through wharves and railheads. The actual proportions will be decided by the market.’*

MDA and thus continuation of landings at wharves is central to the KMWLP’s strategy for maintaining supply of sharp sands and gravels as the land-won sector depletes. This is now occurring as land-won reserves are (as of end of 2021) just 2.56 million tonnes (mt) for the remainder of the Plan period. This is well below the Plan requirements of 3.03mt. As these land won reserves are not being replenished, an increase in wharf use to import the aggregate will have to occur, even if demand for this aggregate remains constant, as land-won supply diminishes. The submitted MIA does not recognise this fact, and does not therefore fully understand the current and increasing importance of wharf-based importation to maintain a steady and adequate supply in the county and how the adopted development plan strategy in the KMWLP for aggregate minerals is fundamentally reliant on safeguarding and maintaining wharf capacity.

The MIA quotes from the Local Aggregate Assessment (LAA) 2021 (2020 data). This has been superseded by LAA 2022 (2021 data). In relation to the importance of wharves and their current capacity (40% headroom remaining of a total of 6.24mtpa), paragraph 7.27 states the following:

*‘It is recognised that capacity information will become increasingly important in future years, particularly in relation to wharves and rail depots. The 2017 study by the Minerals Products Association into future aggregate requirements suggests that*

*nationally there could be a decrease in the demand for landwon aggregates over time. However, as the landwon resources depletes (as is currently occurring for sharp sand and gravels within Kent) and is substituted by marine-won aggregates, productive capacity of importation facilities both individually and in total will be increasingly important indicators of the resilience of supply, analogous to landbanks within the landwon sector. **Kent still has significantly unused capacity in its wharfage, as it is operating at approximately 60% capacity at the end of 2021 (leaving 40% headroom). However, loss of any wharf site will be, largely, irreplaceable and others will need to increase their throughputs. Ignoring this issue as an unimportant matter neglects the consideration of the difficulties in operating facilities at a higher level of throughputs in a consistent manner. Difficulties such as shipping availability, navigation maintenance, facility repair and renewal considerations all could combine to exert stress on a wharf importation system trying to operate at a higher rate. Safeguarding of the existing wharf infrastructure will therefore remain a central requirement to maintain supply as the landwon sand and gravel sector eventually becomes irrelevant.***

It is noted that the MIA used the 2020 statistic of the available wharf capacity headroom capacity of 46%. This has been reassessed in LAA 2022 as 40%. The MIA is not therefore based on up-to-date data. Moreover, it appears that the intensity of wharf use for MDA is increasing again towards the levels seen a decade ago after the reductions in sales in 2019 and 2020 related to Brexit uncertainty and the Covid pandemic shutdown impacts. The table below demonstrates this (data taken from LAA 2022).

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	3-year average	10-year average
Sales	2.014mt	1.743mt	1.938mt	1.874mt	1.788mt	1.773mt	1.809mt	0.608mt	1.440mt	1.644mt	1.230mt	1.663mt

The MIA, in regard to the operational capacity of Kent's wharves states:

*'However, it is clear from the County Council's Local Aggregate Assessment that the wharves within Kent are operating at a level far from total productive capacity. Based upon the available records which identifies that there is circa 46% capacity within the wharfs in Kent, it is expected that the loss of the individual site capacity of Robins Wharf can be accommodated by the other safeguarded facilities within close proximity.'*

The MIA's contention that there is sufficient headroom to meet future aggregate needs does not take account of the documented trend towards a need for significant increased throughputs at wharves as the land-won sharp sand and gravels deplete, even if overall demand does not change. Therefore, landwon depletion, that is occurring together with any increase in aggregate demand requires all importation capacity to be safeguarded. This strategy is fundamental to the adopted KMWLP's aggregate mineral supply approach, found sound at Independent Examination in 2016 and again in 2018.

The activity at the wharf includes the importation of marine dredged and crushed rock aggregates by two operators and a specialist highway services contractor operating a river-fed asphalt plant 'Northfleet Asphalt Plant'. This is supplied with material by the jetty located to the north-east on the safeguarded wharf. This jetty is used together for both the supply of materials for the coated material plant and as an aggregate unloading facility for both crushed rock aggregates and marine sand and gravel.

Importation of material by river is permitted on a 24 hr and a 7 day a week basis; and production of asphalt and exportation by road is similarly undertaken on a 24 hour and 7 day a week basis. On the north-western part of the Robins Wharf there is an aggregates processing facility and a ready mixed concrete batching plant. The aggregates processing facility and the ready mixed concrete batching plant operate on a 24 hour and 7 days a week basis. Heavy good vehicles (HGVs) distributing ready mixed concrete may leave the site any time during these hours, whilst HGVs carrying aggregates from the site are limited to 0700 – 1800 Mondays to Fridays and 0700 – 1300 on Saturdays.

I now turn to the MIA's argued case for overriding the presumption to safeguard, as set out in Policy CSM 6: Safeguarded Wharves and Rail Depots and Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure. Policy CSM 6 states, amongst other matters, that non-minerals development adversely affecting the operation of existing, planned or potential (wharf or rail depot) such that their capacity or viability may be compromised will not be permitted. The policy lists Robins Wharf as one of the sites the policy is applicable to. Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure states that, amongst other matters, facilities for concrete batching, the manufacture of coated materials or other concrete products are safeguarded.

The applicants have correctly had recourse to Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities in order to argue an exemption from these policies presumption to safeguard. The MIA cites exemption criteria 6 and 7 of policy DM 8 as both being applicable to justify a departure from the presumption to safeguard both the wharf site and the mineral related facilities present on the wharf site.

Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities states:

*'Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that either:....'*

The exemption criterion 6 states:

*6. material considerations indicate that the need for development overrides the presumption for safeguarding;...*

The applicant regards the regenerative aspects of the proposal as being of such a magnitude that criterion 6 can be invoked. It states at para. 5.12:

*'The socio-economic assessment of the proposed scheme has identified a number of benefits arising from the scheme, which are in addition to the much needed supply of housing given the Council's undersupply and pressures within north-Kent arising from nitrate neutrality matters. The benefits of the proposed development are discussed further within the planning statement accompanying the application, but are in summary:*

- *During construction, the Proposed Development is expected to generate at least:*
  - o *6,755 person years of employment;*
  - o *...which is equivalent to an average of 846 Full Time Equivalent jobs sustained for the entire duration of the build (estimated at 8 years);*

- o *An additional 820 indirect and induced jobs (FTE) – created / supported within the construction supply chain and in the wider economy for the duration;*
  - o *Approx. 120 apprenticeship starts and other on-the-job training opportunities;*
  - o *£429m in Gross Value Added for the regional economy*
- *On completion, it is expected to generate a minimum of:*
    - o *2,250 direct jobs across a wide range of sectors – a net increase of around 1,750 on the estimated number of jobs currently based on site;*
    - o *925 net additional jobs for local (Gravesham) residents, taking into account leakage, displacement and multiplier effects;*
    - o *£69m per annum in additional local (Gravesham) GVA;*
    - o *£20m per annum in resident retail and leisure expenditure;*
    - o *£5.6m per annum in additional council tax receipts, plus an uplift of c. £1.1m per annum in business rates compared with existing uses;*

*5.13 It is anticipated that the proposed development would provide significant benefits to the area and local communities, including funding for school places, Health Service, the regeneration and improvement of public spaces and access affordable and family housing. Consequently, the benefits of the proposed development should be carefully weighed against Policy DM 8: Criterion 6.*

Regardless of whether the socio-economic benefits stated in the application are realised, it can also be said that the application site in the sub-area 1.3, as delineated by the Local Plan, is not part of Key Site sub-area 1.3 and is, therefore, not appropriate for this scale of development. This is recognised by the Local Plan, as Policy CS07 Economy, Employment and Skills, (para. 5.1.37) seeks to safeguard the importation facilities that exist in this area, thus recognising that the focus for regenerative development proposals in the plan area are in the other Key Site areas not within the application site as proposed. These potential benefits will need to be verified and considered against the Borough Council's economic policies in its adopted Local Plan, alongside the adopted Kent Minerals and Waste Local Plan policies. Consideration should also be given to the consequential loss of importation facilities which may well lead to an increase of minerals being imported into the County less sustainably by road, as discussed above in relation to Local Plan Policy CS11.

The Opportunity Area as covered by CS03 delineates four Key Sites (1.3 Grove Road & Lower Ebbsfleet Area, 1.4 Old Northfleet Residential Extensions, 1.5 Northfleet Cement Works Regeneration Area and 1.8 Northfleet Embankment East Regeneration Area). Therefore, the loss of an irreplaceable wharf should be seen in this context. The annual aggregate monitoring work (LAA 2022) that the County Council is required to undertake each year, recognises the need to retain Kent's wharfs and the critical role they play in being able, to maintain a steady and adequate supply of aggregate minerals to *'provide the infrastructure, buildings, energy and goods that the country needs'* as required by national and local planning policy.

The applicant has also used out of date data to conclude that the loss of the safeguarded wharf would not incur a fundamental problem in constraining future importation of aggregate minerals. This assertion is based on old capacity headroom assessments and ignores the 'in built' need to increase importation throughputs even if overall demand for this type of aggregate mineral remains constant, as the landwon fraction of overall supply is depleting. If overall aggregate mineral demand increases, in conjunction with landwon supply depletion, then further demands on importation and thus any available capacity headroom, will occur. The irreplaceable loss of the safeguarded Robins Wharf facility will have the potential of

significantly impeding the ability of Kent to return to the 2.0mtpa or above rate of aggregate mineral importation unnecessarily. Moreover, other land, as identified and allocated as 'key sites' in the Northfleet Area of Opportunity of the adopted Gravesham Local Plan remain largely available for the type of development proposed. It is considered by the County Council that these areas should be where regenerative development should be focused, to be in accordance with the objectives of the Local Plan.

The County Council does not, therefore, agree that the applicant has demonstrated that the loss of the importation facility and the associated mineral processing and product facilities can be justified by invoking exemption criterion 6 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities of the KMWLP.

The applicant goes on to assert that exemption criterion 7 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities can also be invoked, it states:

*7. It has been demonstrated that the capacity of the facility to be lost is not required.*

In that they regard the available importation 'headroom' capacity sufficient to offset any loss of importation as a consequence of the proposed development, they state:

*5.15 There are a number of wharves in close proximity to Robins Wharf, listed in Table 1 of this document. In the absence of published importation and sales figures for this facility, it is not possible to determine the exact proportion of aggregate imported and its importance and individual contribution to the overall tonnage of aggregate imported via Kent's safeguarded wharves. However, it is clear from the County Council's Local Aggregate Assessment that the wharves within Kent are operating at a level far from total productive capacity. Based upon the available records which identifies that there is circa 46% capacity within the wharfs in Kent, it is expected that the loss of the individual site capacity of Robins Wharf can be accommodated by the other safeguarded facilities within close proximity.*

Again, this assertion is based on out-of-date monitoring data (available 'headroom' importation capacity is regarded as 40% of current throughputs as detailed in the monitoring report LAA 2022, November 2022) and ignores the KMWLP central strategy in maintaining a 'steady and adequate supply of aggregates' (NFFP para. 213 a)) by the increased reliance of importation as the landwon sector for sharp sand and gravel depletes through time. This is clearly set out in Policy CSM 2: Supply of Land-won Minerals (see above) and in the LAA 2022. Therefore, for the reasons expressed in relation to rejecting the applicant's arguments in attempting to invoke exemption criterion 6 above, the County Council regards the safeguarded importation capacity at Robins Wharf as integral to the KMWLP strategy to meet the NPPF's requirements. Loss of the facility not only would be, in all probability, irreplaceable, but would incur significant and needless adverse impacts on maintaining and increasing the required level of importation of aggregate minerals currently and into the future.

The County Council does not agree that the applicant has demonstrated that the loss of the importation facility and the associated mineral processing and product facilities can be justified by invoking exemption criterion 7 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities of the KMWLP. Moreover, the wharf is located in an area where high development pressure is being experienced, both in Kent and in London that is close by. The mineral importation wharf, like others in the locality, and further upstream in Greater London administrative area, make a significant contribution to both the material needs of this development and its sustainable



transport to those end uses. Loss of the facility could both impede the supply of important materials and reduce their sustainable transportation. This point is further illustrated by the recognition of the importance of wharf importation in the Annual Monitoring Report for London<sup>1</sup>.

The London Annual Monitoring Report 2019 states that sales of primary aggregates amounted to 4.782mt, and in 2014 this was higher at 5.054mt. London consumed 9.573mt in 2019 and it is reasonable to assume that the pattern of sales and consumption remains similar in 2019-21. London is consuming far more aggregate materials than it generates by sales. Importation via wharves has been consistently increasing between 2010 to 2018 with sales in 2010 of 3.521mt and in 2018 this had risen to 5.153mt. Only marginally falling back in 2019 to 4.920mt. The importance of wharf capacity in maintaining overall supply is demonstrated in para. 4.10 which states (emphasis added):

*4.10 Regarding wharves' capacity the GLA undertook a review of those designated in London for safeguarding. The review forecast freight traffic on the Thames and estimated wharves' capacity and concluded there is overall sufficient to meet demand until 2041. The review covered aggregates (construction materials) wharves and the picture however, for these facilities is somewhat different. Table 5 illustrates the relevant information, which suggests the capacity margin varies between different parts of the Thames and over the forecast period **the overall capacity margin is finely balanced. Indeed by 2031 there is a shortfall, but it does improve by 2041.** However, the latter figure is predicated on a fall in demand for construction materials. It also should be **noted the 2021 forecast tonnage is 75% above the AM average (10 year) sales figures**, which provides some flexibility. Moreover, there are some other wharves that might be readily adapted to handling construction materials. **Nevertheless, as wharves are so important to London's aggregates supply, sales and capacities need to be closely monitored by the LAWP.***

Clearly London's importation capacity is of paramount importance to meet London's needs and there is little, if any, realistic ability to increase importation if this is required. Loss of nearby wharf capacity in Northfleet could compound the fragility of this situation if need, as expressed by sales and consumption, increases again as has been seen between 2010-18.

## Conclusion

The County Council, as the relevant mineral planning authority strongly objects to the proposal on the grounds that it is contrary to national and local development plan policies on safeguarding and would undermine the adopted Mineral Strategy for Kent which relies heavily upon wharves and importation facilities as land won resources are depleted. Robins Wharf is an important facility as it provides a sustainable means of importing the aggregate building materials needed to support economic growth and is well placed to serve Kent and London. The latter has a reported finely balanced aggregate mineral importation capacity (wharfage) and may well require imports from other areas (including Kent) to ensure the capital's growth is sustainably supported if it returns to the sales and consumption ratio seen in 2010 to 2018 (see para 4.10 of the London Annual Monitoring Report 2019). It also provides facilities for concrete manufacture and coated asphalt products.

The wharf and its associated mineral based product facilities can operate in a largely unconstrained manner in the locality given the planning permissions it operates to, therefore taking full advantage of the River Thames as a means of achieving sustainable transportation of the bulk raw materials with great flexibility. This in turn enhances the

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<sup>1</sup> London Aggregates Working Party Annual Report 2019

safeguarded wharf to then provide aggregates and mineral based construction products to the immediate market efficiently. Loss of this importation facility would undermine both aggregate supply that is becoming more reliant on importation and adversely affect sustainable transport of such materials if greater reliance, through time, is placed on increased road transportation. Therefore, the proposal is contrary to the NPPF 2021 as it does not accord with the need to safeguard existing sites for the bulk transport, handling and processing of minerals, the manufacture of concrete and associated products such as coated asphalt materials.

The adopted KMWLP 2020 in turn identifies Robins Wharf as such a site with its associated facilities that require to be safeguarded to allow a steady and adequate supply of aggregate materials to support sustainable development in Kent. In light of the economic importance of wharves to the county and the delivery of a sustainable minerals strategy, there is a presumption in planning policy that these sites are safeguarded. Any development that proposes the loss of such facilities needs to robustly demonstrate that it satisfies the exemption criteria of the safeguarding policies in the KMWLP. The application asserts a number of arguments to justify an exemption, but these are not considered sufficient to set aside the presumption to safeguard.

The applicant asserts that the regenerative advantages of the proposal are of such a scale and importance in meeting the Local Plan's objectives that they override the presumption to safeguard the importation facility. The adopted Local Plan not only has policies to safeguard the sustainable transport commercial importation sites (Robins Wharf is one such facility, see Policy CS07: Economy, Employment and Skills, para. 5.1.37 and Policy CS11: Transport). Moreover, the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area delineates key sites where the focus of regenerative development of this scale would be more appropriately located. Therefore, to deliver this regenerative development would needlessly incur the loss of the safeguarded wharf and compromise sustainable transport objectives of the Local Plan. The applicant's proposal does not accord with the adopted Local Plan policies and is a departure from its spatial objectives.

With regard to the applicant's assertion that the loss of the mineral importation wharf is justified and that its capacity is not needed, it is the County Council's view that the applicant has failed to satisfy either exemption criteria 6 or 7 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities as the area of the proposal is outside the main areas identified for regeneration in the local plan. The need therefore to deliver it at the application site is not overriding (exemption criterion 6). Furthermore, the applicant has used out of date monitoring data and failed to understand the importance of maintaining all mineral importation capacity, as this underpins the whole strategy of the adopted KMWLP in providing for a steady and adequate supply of aggregate minerals, as required by the NPPF.

The applicant's assertion that sufficient available capacity to import aggregate minerals will continue to exist, even with the loss of Robins Wharf, as this will not be needed (exemption criterion 7) as sufficient unused 'headroom' importation capacity exists, is a fundamentally misguided argument. Indications are that the available capacity 'head room' will increasingly be utilised even if overall aggregate mineral demand remains static, as the Kent landwon sector for the sharp sands and gravels is rapidly depleting. Moreover, any increase in overall demand will inevitably place additional strain on all available importation capacity, both in Kent and the proximate London area, where there is little if any mineral importation capacity headroom. Wharf sites are considered generally irreplaceable once lost, therefore it remains imperative to retain all importation capacity into the future. Neither exemption criterion (6) or (7) of the relevant safeguarding policy can be said to have been satisfied by the applicant's submitted Mineral Infrastructure Assessment.

The County Council, as the relevant mineral planning authority, is willing to maintain a dialogue with Gravesham Borough Council on the matter of mineral supply and importation and the safeguarding of importation and associated mineral products facilities in order to assist the Borough Council if this would be helpful.



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**Our Ref:** GBC/2022/092825  
**Date:** 28 November 2022

**Application No:** 20221064

**Location:** Land Surrounding Ebbsfleet United Football Club, Bounded By Lower Road, Railway Line, Grove Road And The River Thames, Northfleet, , Gravesend, ,

**Proposal:** Outline planning application with all matters reserved, except for the primary means of access and road layout, for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport/recreation/fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment and Surface Water Drainage Strategy prepared by RMA Environmental (28/09/22) and have the following comments:

We understand that the site will be split into three catchments in order to manage surface water, utilising rainwater harvesting and re-use, green roofs, attenuation tanks, permeable paving, tree pits/swales, and park areas. Surface water will then be discharged to the tidally influenced Robins Creek at the East of the site, using pumping stations at sub-catchments A and B and a gravity connection at sub-catchment C. Discharge will be restricted from all areas at greenfield or close to greenfield rates, with significant reductions compared to current brownfield rates. Surface water from those areas not modelled in the Surface Water Drainage Strategy will be conveyed to strategic attenuation tanks adjacent to pumping stations, the size of which has not yet been determined. We also note that infiltration testing has no yet been carried out and these proposals are subject to change should infiltration be found to be feasible at the site.

We have no objection in principle to these proposals outlined if infiltration is not possible.

Should the Local Planning Authority be minded to grant planning permission for the proposed development, the LLFA would request for the following conditions to be attached:

**Condition:**

No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

**Reason:**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

**Condition:**

Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and 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 within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonable practical then any surface water leaving site shall be managed appropriately, as outlined in the Flood Risk Assessment and Surface Water Drainage Strategy prepared by RMA Environmental (28/09/22). The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

**Reason:**

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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

**Condition:**

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall 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.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

**Gideon Miller**

Graduate Flood Risk Officer  
Flood and Water Management



Genna Henry  
Planning & Regeneration Services  
Gravesham Borough Council  
Civic Centre  
Windmill Street  
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**Heritage**  
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14 December 2022

**Re: 20221064 - Land Surrounding Ebbsfleet United Football Club, Bounded By Lower Road, Railway Line, Grove Road And The River Thames, Northfleet, Gravesend**

**Outline planning application with all matters reserved, except for the primary means of access and road layout, for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport/recreation/fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.**

Thank you for consulting Heritage Conservation on this application. We have also provided the same response internally to KCC.

We have set out below our comments on matters of archaeological interest and have made no detailed comments or recommendations related to designated built heritage and defer to Historic England and your Conservation Officer.

The site lies within the Ebbsfleet Valley at its junction with the Thames at the Swanscombe Peninsula, in an area of multi-period archaeological potential for evidence of human activity from the Palaeolithic to the present day. The area to the south has known remains of national importance dating from the Palaeolithic (Scheduled site NHLE 1003557). The Swanscombe Peninsula SSSI includes Pleistocene geological deposits, and Palaeolithic archaeology in the area now known as Bakers Hole (including the scheduled area), as a reason for notification. Further to the south, nationally important archaeological evidence for

Neolithic activity adjacent to the Ebbsfleet has been designated (Scheduled site NHLE 1004206).

The development site does not contain any presently designated heritage assets but is very likely to contain non-designated archaeological remains related to these nearby designated prehistoric sites as well as for other, more recent periods of human history, as a result of related geological and geomorphological characteristics associated with the course of the Ebbsfleet river as it enters the Thames Valley. Archaeological remains within the development site may include waterlogged organic artefacts, structures and palaeoenvironmental evidence, which could be of equivalent importance to the evidence existing on the above-mentioned designated sites. As well as prehistoric archaeological interest, the site has the potential for archaeological interest related to the crossing and management of the Ebbsfleet river, maritime activity and fishing, the reclamation of marshland, military and defence activities and the post-medieval and modern industrial development of the area, including the cement industry. The eastern boundary of the site is c.150m west of the scheduled Aspdin's kiln and the site has the potential for non-designated built heritage with archaeological interest related to its industrial and military heritage.

The application is supported by an Environmental Statement and three appendices of heritage information:

- Northfleet Harbourside Volume 1: Environmental Statement Main Report – Chapter 13 (Archaeology)
- Annex 1: Legislation and Policy
- Annex 2: Archaeological Desk-Based Assessment
- Annex 3: Geoarchaeological Desk-Based Assessment

These documents provide a useful desk-based assessment of the known and potential archaeological and geoarchaeological interest of the site. However, no purposive field evaluation of the site, to inform the assessment, has been undertaken, due to 'time constraints' (ES Chapter 13 initial summary table). Therefore, whilst the ES states that it '...identifies and assesses potential direct and indirect effects upon the heritage significance of known and potential archaeological receptors.' (ES 13.23), it cannot identify archaeological receptors in sufficient detail to allow an informed assessment of impacts or a subsequent planning decision to be made, especially, because as noted above, the site has the potential to contain sites with archaeological interest of potential national importance. Lack of time is not sufficient justification for not carrying out the necessary field evaluation.

The NPPF (194) is clear that the Local Planning Authority should require the developer to undertake field evaluation where the site is likely to include heritage assets with archaeological interest and especially so where there is a likelihood of below-ground archaeological remains of national importance. The NPPF goes on to state in footnote 68 to paragraph 200 that 'Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.'. Paragraph 200 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional(68).'



In as far as they can go the archaeological and geoarchaeological desk-based assessments are a useful first stage (though we highlight some specific concerns below) and, importantly, the need for field evaluation is recognised. But the assessment documents give something of a false sense of certainty about the archaeological interest of the site, which is then carried over into the Environmental Statement and associated documents (e.g. the Planning Statement, Non-technical summary, ES volume and documents on effect interactions (ES 16) and significant effects (ES 17). It is not helpful that these documents conclude that no significant demolition and construction impacts have been identified when the understanding of the archaeological interest is so limited and yet the archaeological assessment recognises that the archaeological potential is high.

The archaeological assessment documents identify the following ‘receptors’ and to help explain the concerns about the present level of understanding of the archaeological resource of the site we have listed these below with the assessment text in italics followed by our KCC comments.

### **Post-medieval Stone Bridge Foundations**

*13.97 The potential foundation remains associated with the bridge would be expected to be of low heritage significance. The Proposed Development impacts within this area would involve the construction of the stadium, car parking and retail structures around the stadium, and residential areas. As such, the effects of the Proposed Development are expected to result in a high magnitude of impact upon a heritage asset of low heritage significance resulting in a direct, long-term, permanent, local, minor adverse (not significant) effect.*

#### **KCC comment**

The location, character and archaeological interest of a bridge, or former bridges, at the same or another site are not known. It is therefore not possible to state that remains would be of low heritage significance. The area needs to be evaluated to understand the historic route of the Ebbsfleet river (which will have moved over time and whose last known course may have been canalised to feed a millpond) as well as the location, character, date and significance of any historic structures that would have been associated with the river such as bridges, causeways, historic routeways, sluices, water mills etc.. Surviving remains of such structures could be of regional or national importance.

### **Possible Mill Pond**

*13.98 Archaeological remains associated with the probable 19th century extension to the mill pond are predicted to be of low heritage significance. The magnitude of the impact from the demolition and construction works is expected to be high, resulting in a direct, long-term, permanent, local, minor adverse (not significant) effect.*

#### **KCC comment**

The location, character, date and archaeological interest of a millpond and any associated structures, within the site is not known with any certainty. It is therefore not possible to state that remains would be of low heritage significance. Domesday Book mentions a mill at Northfleet and potentially the same mill is referred to in documents of the 15<sup>th</sup> century, and the relationship to the surviving remains of a mill pond, comprising a brick-lined tank through which the Ebbsfleet river still flows, remains uncertain. The mill pond is thought to have served a tidal mill of possibly late-18th century date but potentially with medieval origins. Any such remains would be of regional or national importance. The area needs to be evaluated to understand the potential and significance, potential impacts and options for mitigation.

### **Windmill**

*13.99 A windmill is recorded on the 19th century historic mapping within the central northern part of the site. Any remains of the windmill would be expected to be of low heritage significance. This part of the site is proposed as part of the area of public open space in the*

*northern part of the site, which may involve some landscaping activities. The magnitude of the impact of landscaping upon a heritage asset of low significance would be high. This would result in a direct, long-term, permanent, local, minor adverse (not significant) effect.*

**KCC comment**

The location, character and archaeological interest of any remains of the former corn mill and other former buildings recorded on historic mapping in this area are not known. It is therefore not possible to state with any certainty that remains would be of low heritage significance. The relevant areas will need to be evaluated to understand the potential and significance.

**Cement Works**

*13.100 The eastern part of the site has potential for archaeological remains associated with the Cement Works. Remains of the Cement works (structural remains of kilns, associated buildings and tunnel networks) would be considered to be of medium heritage significance. This part of the site is proposed for residential development and landscaping. Activities associated with construction such as excavation/piling for foundations, excavation for utilities and roads as well as excavation and earth movement for landscaping have the potential to result in direct effects to archaeological remains in this area. As such the magnitude of the impact is expected to be a high. The result of a high impact upon a receptor of medium heritage significance would result in a direct, long term, permanent, local, moderate adverse (significant) effect.*

**KCC comment**

We welcome the recognition of the potential significance of archaeological remains associated with the cement industry but recent archaeological work by Wessex Archaeology at the former Bevans cement works to the east of this site, has recorded industrial remains of regional or national importance. In the absence of a more detailed assessment of the industrial potential of the site, it would be safer to assume at this desk-based assessment stage that archaeological remains could be considered to be of medium to high heritage significance and we recommend that areas where potential archaeological remains might be expected to survive should be subject to trial trenching field evaluation at the earliest opportunity followed by a more detailed assessment and interpretation of the site, ideally by an expert on industrial heritage and the cement industry.

*13.101 Infrastructure associated with the cement industry such as wharves, tramlines and quarry pits may also exist within the site as indicated on the historic mapping, these would be expected to be of low heritage significance. The magnitude of the impact from the demolition and construction works is expected to be high, resulting in a direct, long-term, permanent, local, minor adverse (not significant) effect.*

**KCC comment**

As noted above, the recent archaeological work in Northfleet by Wessex Archaeology has demonstrated that industrial remains of regional and national importance can survive. Any such remains of the cement industry at this site should be seen within the wider context of the development of the cement industry in north Kent and it would be safer to assume at this desk-based assessment stage that archaeological remains could be of medium to high heritage significance. One reason for this is that we are learning that archaeological evidence adds significantly to, and can challenge, assumptions about the development of the cement industry (and other pre-cement industry uses of the site) based on documentary evidence.

**Unknown Archaeology**

*13.102 As the site has not been previously investigated the assessment has found there to be potential for archaeological remains that are as yet unknown to be discovered within the site. As the nature, survival and extent of these features is unknown, the heritage*

*significance of these assets remains unknown. The magnitude of the demolition and construction impacts would be high but as the heritage significance of the heritage assets is unknown, the significance of the effect cannot be determined.*

**KCC comment**

We welcome this recognition of the potential for presently unknown archaeological remains to exist at the site but the ES should, based on the evidence presented in the assessments, recognise that archaeological remains (particularly those that are waterlogged – see for example ES Table 13.5) could be of regional or national importance. It is the potential for waterlogged deposits to contain archaeological artefacts and structures which is of critical archaeological importance and we disagree with the conclusion in the ES (13.104) that if the deposits area widespread then changes to hydrology would lead to an effect that would not be significant. If a change to hydrology were to alter the conditions of a buried and waterlogged timber platform, boat or mill, for example, then the effect would be very significant. The site should therefore be subject to field evaluation to allow the EIA process to be appropriately followed.

The geoarchaeological assessment presents an initial model of character zones based largely on data from outside the site. We consider that even at this desk-based assessment stage, these character areas could be refined further to define areas of archaeological potential related to the late Pleistocene and Holocene development of the Ebbsfleet valley. More refined character areas with appropriate research questions, should then be subject to field evaluation. Period based characterisation for the Mesolithic to Medieval periods should be undertaken and areas where there is high potential for nationally important Mesolithic, Neolithic and later remains should be identified. A fundamental geoarchaeological research question, with significant archaeological implications, is the understanding of former courses of the Ebbsfleet river channel over time and the location and extent of former dryland/wetland interfaces. Recent higher level characterisation and deposit modelling of the area which has been undertaken for the EDC Urban Archaeological Database and Characterisation should be included and referred to where relevant. This characterisation has prepared helpful preliminary models of the earlier courses of Ebbsfleet which should be included and added to as part of this work as appropriate.

The site comprises an area of historic clay pits, in which area evidence for Palaeolithic material has been identified and where there will have been potentially widespread impacts to any below-ground archaeological remains. Field evaluation is required to understand the exact depth and extent of the historic quarrying and to determine what archaeological potential survives below as well as at, and beyond the margins of the former quarry.

**Recommendations**

Our recommendations are that pre-determination, further characterisation is required with field evaluation to provide a more robust approach to understanding the archaeological interest of the site, the significance of any archaeological remains and to allow informed decisions about impacts and appropriate mitigation to be made. At present we consider that there is not enough evidence to clearly understand and assess the potential impacts of the development on archaeological remains and particularly those that are waterlogged. Baseline monitoring for the hydrological environment of the site is required to allow a model to be developed which can then be considered in relation to development proposals and so that appropriate mitigation by design and/or remedial works can be agreed upon.

We recommend the following field evaluation methods are employed to develop the deposit and archaeological models for the site:

1. Geophysical survey such as Electromagnetic survey, to understand in more detail the underlying geo-archaeological deposits including for deposits with Palaeolithic

potential and those associated with the evolution of the Ebbsfleet and its location within the valley and confluence with the Thames and how these have changed over time.

2. Geo-archaeological boreholes and test pits combined where appropriate, with trial trenching across the site to ground-truth and enhance a deposit model based on the geophysical survey and existing extrapolated borehole data. Samples from the boreholes would be used to understand the palaeoenvironmental potential, hydrology, state of preservation of organic waterlogged remains, the likely location for human activity, and to provide dates to develop a chronology for the sequences at the site. The combined assessment and evaluation data should then be used to create landscape environmental models for each chronological period with research questions as part of the process of a consideration of impact mitigation options.

If there is a programme of Ground/Site Investigation works undertaken before a planning decision is made, then these works should be subject to a geo-archaeological watching brief, integrated with the above-recommended field evaluation works.

We would like to see a draft Heritage Management Plan (HMP) for the site included in the submission documents. An HMP should include a commitment to ensuring that interpretation and information for outreach is developed within the context of other approaches across the Dartford, Gravesham and EDC areas to ensure information is coordinated and complementary. The HMP must include a commitment to a wide range of outreach and interpretation which should commence immediately following any planning consent. We would like to see detail on options for including heritage interpretation in public realm features and public art. We would like to see detail on a commitment to appropriate storage of archaeological archives resulting from the project with a funding contribution for storage and box charges. A S106 agreement for the site should include provision for heritage interpretation and long-term storage of and access to the physical archaeological archive.

In conclusion, we recommend that for an informed planning decision to be made, further work is undertaken to address the comments above, including to model the extent of Holocene, as well as Palaeolithic archaeological potential in more detail using purposive field evaluation (geophysical survey, boreholes, test pits and trial trenching) and to develop research questions for each period and character area. We would be happy to discuss how this could be achieved in detail with the applicant and their consultants.

We stress that the site has the potential to contain non-designated archaeological remains that may be of national importance and would therefore be subject to the relevant paragraphs in the National Planning Policy Framework (NPPF, paras 194, 195 and 202) for designated heritage. More work is needed to define the potential for these areas, which will then have to be tested by field evaluation in order that the character, date, extent and state of preservation can be understood and development impacts avoided or minimised. The tendency of the assessment and ES to consider field evaluation as mitigation should be avoided.

If it is impossible to undertake any pre-determination field evaluation then we would wish to make recommendations for planning conditions to secure the field evaluation and subsequent design-refinements that would be required to ensure avoidance and minimisation of impacts to archaeological remains. In the event that you are minded to grant outline planning permission we would be grateful if you could discuss appropriate conditions with us before issuing the decision notice. Our preference is for further assessment and field evaluation to be undertaken prior to determination but if that is not possible, we recommend that the following planning conditions be applied to any forthcoming consent:

**AR1: No demolition/development shall commence until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological work (including further archaeological characterisation and field evaluation as a first stage). The programme of archaeological works will comprise:**

**A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological characterisation and field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.**

**B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.**

**C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.**

**D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:**

**a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development; b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same; c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.**

**E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.**

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

**AR2: Prior to any Reserved Matters Application the applicant, or their agents or successors in title will submit for approval in writing by the Local Planning Authority a Written Specification and timetable for the preservation in situ of important archaeological remains and/or for further archaeological investigation.**

Reason: To ensure that adverse impacts to features of archaeological interest are appropriately mitigated according to their significance and so that the archaeological heritage of the site can fully inform design.

**AR3: No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including**

***provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation, post-investigation assessment, final publication and archive deposition will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition AR2.***

Reason: To ensure appropriate assessment, analysis, reporting and dissemination of the results of the programme of archaeological work and the deposition of the project archive.

***Future Reserved Matters Applications will be in accordance with the parameter plans, save for where any changes are required to address or incorporate findings of the archaeological investigations, including those undertaken under AR1 or AR2.***

Reason: In order that the detailed design has full regard to archaeology that might be found post-outline approval.

***No demolition/development shall commence until the applicant, or their agents or successors in title has submitted and had approved in writing by the Local Planning Authority an updated Heritage Management Plan which will include a commitment to the principle that future archaeological site investigations will inform the detailed design and layout of the scheme and measures to ensure preservation of important archaeological remains.***

***Future Reserved Matters Applications will be accompanied by an updated Heritage Management Plan to explain how site archaeological conditions and further field evaluation has informed the final scheme design, including preservation, mitigation and interpretation.***

We would be pleased to discuss any of the above further and would suggest that we meet with the applicants' specialists to discuss the further work required in more detail.

Yours sincerely.

**Casper Johnson**  
Senior Archaeological Officer  
Heritage Conservation



## ECOLOGICAL ADVICE SERVICE

**TO:** *Genna Henry*

**FROM:** *Helen Forster*

**DATE:** *07 December 2022*

**SUBJECT:** *Land Surrounding Ebbsfleet United Football Club, Northfleet 20221064*

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*The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination.*

*Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.*

---

We have reviewed the ecological information submitted with this application and advise that additional information is required prior to determination.

We require the following documents to be submitted:

- Phase 1 map of the site – the map in the Environmental Statement document is difficult to review
- Illustrative plan of the proposed development - the map in the Biodiversity Net Gain Assessment is difficult to review
- BNG excel metric to assess if we agree with the conclusion the proposal will result in a 352% BNG habitats and 75% BNG of hedgerows.
- Detailed assessment of the impact the proposal will have on the adjacent SSSI and LWS
- Clarification on why the application are satisfied the breeding bird surveys are accurate.
- Results of the current wintering bird surveys

### **Swanscombe Peninsula SSSI and Botany Marshes Local Wildlife Site**

The proposed development is directly adjacent to the Swanscombe Peninsula SSSI and Botany Marshes Local Wildlife Site. We advise that the information is insufficient to assess the impact

the proposal will have on the designated sites and the species associated with the designated sites.

The Parameter plan and the illustrative plan indicates that there will be buildings and infrastructure directly adjacent to the designated sites which are likely to result in a negative impact on the designated sites. The submitted information refers to the mitigation hierarchy and the first point is avoidance. To demonstrate that the application is following the mitigation hierarchy we recommend that areas of open space/planting is carried out within the area adjacent to the designated sites and it is not developed with housing/buildings. The increase in planting/open space would reduce the direct impact on the designated sites.

The information submitted with the planning application is not sufficient to fully understand the impacts from noise, lighting, overshadow and recreational pressure from the proposed development.

We advise that additional information assessing the impact the proposal will have on the designated sites. We recommend that the ecological information submitted for the (now withdrawn) DCO London Resort application is utilised to support the assessment.

#### Birds

##### *Wintering birds*

The submitted information has detailed that a wintering bird survey will be carried out in 2022 and therefore we presume it is on going. We advise that the results of the wintering bird survey are submitted to ensure that the impact on wintering birds is fully understood. We highlight that the results of the wintering birds survey may require amendments to proposed layout.

The (now withdrawn) DCO London Resort application detailed that the Swanscombe Peninsula provided functionally linked land for birds associated with the Thames Estuary & Marshes SPA and Ramsar. Therefore we highlight there is a need to consider if the mudflats support species associated with the designated sites.

We will provide further information on whether a shadow habitat regulations assessment is required once we have reviewed the wintering bird surveys.

##### *Breeding Birds*

The breeding bird surveys were only carried out in July this year. Typically breeding bird surveys are carried out in April, May and June and therefore it is possible that larger number of birds utilise the site than were recorded during the breeding bird survey. We advise that we require clarification on why the applicants are satisfied that the surveys are sufficient.

#### **Additional Documents**

The phase 1 map and the illustrative landscape master plan have only been provided as inserts in the Biodiversity Net Gain Assessment and difficult to review. Therefore we advise that we require readable versions of these documents.

We will be able to provide more detailed comments (if required) on whether additional information on other species (not discussed within this letter) or other matters are required once we have received larger versions of those plans



We require the BNG excel metric to be submitted to enable us to consider if we agree with the conclusions of an anticipated BNG of 352% habitats and 75% of hedgerows. We understand that the site is largely hard standing but considering the high levels of anticipated recreational use we do query how that can be achieved.

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

**Helen Forster MCIEM**  
**Biodiversity Officer**

This response was submitted following consideration of the following documents:

ES CH14 Ecology and Biodiversity; Trium

ES Appendix Ecology and Biodiversity; Trium

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**Genna Henry**  
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**Tel:** 03000 41 41 41  
**Our Ref:** GBC/2022/092825  
**Date:** 26 September 2023

**Application No:** 20221064

**Location:** Land Surrounding Ebbsfleet United Football Club, Bounded By Lower Road, Railway Line, Grove Road And The River Thames, Northfleet, , Gravesend, ,

**Proposal:** Outline planning application with all matters reserved, except for the primary means of access and road layout, for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport/recreation/fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.

Thank you for your consultation on the above referenced planning application.

We note that the further information provided is in relation to fluvial flood risk as requested by Environment Agency. As such we have no further comment to make on this proposal and would refer you to our previous response (28/11/22).

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

**Gideon Miller**  
Graduate Flood Risk Officer  
Flood and Water Management

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Katherine Parkin  
Planning & Regeneration Services  
Gravesham Borough Council  
Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU

**Heritage  
GT EPE**

Invicta House  
County Hall  
MAIDSTONE  
ME14 1XX

Phone: 03000 413448  
Ask for: Casper Johnson  
Email: [casper.johnson@kent.gov.uk](mailto:casper.johnson@kent.gov.uk)

2 October 2023

**Re: 20221064 - Land Surrounding Ebbsfleet United Football Club, Bounded By Lower Road, Railway Line, Grove Road And The River Thames, Northfleet, Gravesend**

**Outline planning application with all matters reserved, except for the primary means of access and road layout, for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport/recreation/fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.**

Thank you for consulting Heritage Conservation on the submission of additional information in respect of this application. We have also provided the same response internally to KCC.

Our comments focus on non-designated archaeology and we have made no comments or recommendations related to designated built heritage and defer to Historic England and your Conservation Officer.

The additional information includes a document (see - Montagu Evans: NORTHFLEET HARBOURSIDE, APPLICATION REF. 20221064 APPLICANT REPOSE TO AY / GBC COMMENTS 29 August 2023 – v1) which summarises work that the applicant is undertaking (see below) but the additional information does not include any new technical data with which to address in any detail, the issues raised in our letter of 14<sup>th</sup> December 2022.

To help progress the application I have included the additional text from the applicant below (in italics) and provided a response and comments:

*Comments received from KCC recommend pre-determination fieldwork, including geophysical survey and geoarchaeological boreholes / test pits combined with trial trenching as well as the production of a Heritage Management Plan.*

This refers to our letter of 14 December 2022, where we recommended the need for pre-determination field evaluation and a more detailed consideration of the archaeological potential of the site, the significance of heritage assets and the potential impact of the scheme. As noted above, no new technical information has been provided and therefore there has been no detailed consideration of the issues we raised in our letter of 14 December 2022. For example, in our response to the Outline Application in 2022, we asked for a more detailed and considered assessment of the potential national significance and the likely impact to the selected heritage assets (receptors) listed in the Environmental Statement, but no further work appears to have been carried out and no changes have been made to the ES.

*The Applicant has liaised with KCC regarding these comments, and it has been agreed that access to the Site for pre-determination (in respect of the outline application) evaluation is not possible.*

We have liaised with the applicant's archaeological contractor during 2023 and the applicant has stated that access to the site for pre-determination field evaluation is not possible. Whilst we understand that this is the applicant's position it would be wrong to conclude that by implication, we agree that pre-determination field evaluation is not needed or possible, in some form. Evidence to demonstrate that field evaluation is not possible in areas that we have highlighted, with specific reasons, would be useful to help understand the difficulties and how, and when they could be overcome. In addition it would be helpful to have more information and consideration of non-intrusive methods that could be considered and whether, and when, any geotechnical investigations (which could be subject to a geoarchaeological watching brief) would be undertaken.

*In reviewing the archaeological work undertaken in association with the Ebbsfleet United Football Club permission (ref. 20150517), it has been determined that geoarchaeological fieldwork was undertaken for 1A and 1B but not completed at assessment stage for 1A nor initial monitoring report or subsequent assessment / analysis for 1B. Nothing was undertaken for Phases 1C or 1D. Consequently, Quest have been commissioned to combine the assessment, analysis and reporting of the geoarchaeological work from both Phase 1A and 1B and provide a single report for the site, updating the deposit model. This will provide better baseline data to Wessex Archaeology to support the Northfleet Harbourside application.*

We very much welcome the work that the applicant and their archaeological contractor are undertaking to address previously incomplete geoarchaeological work within the scheme area and we agree that when completed this will provide better baseline data. However, this work has not been completed, nor the implications for a revised assessment of significance and impacts made, and we are therefore not able to make more informed recommendations than in December 2022.

*This assessment can be provided to discharge an appropriately worded condition.*

In our opinion this work should be part of the assessment to understand archaeological potential, significance, impacts and mitigation options (as set out in our letter of December

2022) and to allow for an appropriately informed planning decision on the Outline Application.

*Separate to this, a Draft Heritage Management Plan is to be provided to set out the programme of archaeological work going forwards through the Reserved Matters phases – this will be a live document that can be updated as surveys are completed to inform later stages of mitigation.*

We agree that the Heritage Management Plan should be a live document but we would expect to see a first draft document at this stage to allow for an appropriately informed planning decision to be made.

*KCC have included some recommendations for draft conditions within their response, which the Applicant agrees are appropriate to apply to any forthcoming outline planning consent, given that require the submission and approval of further assessment work prior to development works or the submission of any reserved matters.*

We included suggestions for conditions in our letter of 14 December 2022 to ensure that the necessary archaeological assessment, field evaluation, detailed impact assessment and agreements on mitigation, would be secured in the event that planning permission were to be granted. It should be stressed that our key recommendation in December 2022 was for more detailed assessment of potential, significance, impacts and mitigation options, and for field evaluation, where possible. As noted above, no new information on these matters has been submitted.

*We note that the Committee Report associated with the Albion Waterside application references conditions related to Archaeology and Building Recording, including “Archaeological field evaluation of undesignated archaeological remains and measures to ensure preservation – pre-commencement requirement”. A similar condition is considered appropriate in respect of Northfleet Harbourside.*

Non-designated archaeological potential, significance, impacts and mitigation options will be unique for each site and decisions about what is appropriate for Northfleet Harbourside archaeology should be based on evidence for this site.

In conclusion, we recommend that the applicant is asked to provide a revised assessment of the archaeological potential and significance of below-ground, non-designated archaeology at the site, responding in detail to the issues we raised in December 2022 and setting out clearly how archaeological remains would be impacted, what specific field evaluation will be undertaken, where and when, and what mitigation options are confirmed for the scheme and each identified heritage asset (receptor) or area of potential.

We continue to be available to consider any detailed, new technical information (e.g. revised deposit model, asset (receptor) revised significance statements and impact assessments etc.) which address these fundamental archaeological matters and to help secure a positive way forward for the project and the heritage of the site.

Yours sincerely,

**Casper Johnson FRSA MCIfA FSA**  
Senior Archaeological Officer  
Heritage Conservation

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## ECOLOGICAL ADVICE SERVICE

**TO:** *Katherine Parkin*

**FROM:** *Helen Forster*

**DATE:** *01 November 2023*

**SUBJECT:** *Land Surrounding Ebbsfleet United Football Club, Northfleet 20221064*

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*The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination.*

*Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.*

---

We have reviewed the ecological information submitted with this application and advise that additional information is required prior to determination.

We require the following documents to be submitted:

- Illustrative plan of the proposed development - the map in the Biodiversity Net Gain Assessment is difficult to review
- BNG excel metric to assess if we agree with the conclusion the proposal will result in a 352% BNG habitats and 75% BNG of hedgerows.
- Updated parameter plan demonstrating that a buffer can be created between the proposal and the designated sites.
- Clarification on why the application are satisfied the breeding bird and wintering bird surveys are accurate.
- Additional information regarding the submitted HRA.

### **Swanscombe Peninsula SSSI and Botany Marshes Local Wildlife Site**

The proposed development is directly adjacent to the Swanscombe Peninsula SSSI and Botany Marshes Local Wildlife Site. We advise that the information is insufficient to assess the impact the proposal will have on the designated sites and the species associated with the designated sites.

We note that the submitted information details that a new buffer zone along the boundary of the Proposed Development will be introduced, to provide separation between the SSSI and proposed residential dwellings. In addition the additional information highlights that it should be noted that the Proposed Development will not result in buildings being located closer to the SSSI than is the current baseline. However this is not reflected within the submitted parameter plans and the illustrative plan indicates that there will be buildings and infrastructure directly adjacent to the designated sites which are likely to result in a negative impact on the designated sites.

The submitted information refers to the mitigation hierarchy and we highlight that the first point is avoidance and we highlight that the mitigation hierarchy has not been followed as the parameter plans have not been updated and continue to demonstrate that residential development will be adjacent to the SSSI and LWS.

To demonstrate that the application is following the mitigation hierarchy we recommend that an updated parameter plan is submitted demonstrating that a buffer will be created between the designated site and the proposed development. Information must also be provided detailing how the buffer area will be created.

The submitted information has detailed that Impacts from noise and lighting would be managed through sensitive design and location of new lighting to minimise impacts on wildlife. However as the submitted parameter plans demonstrate that the residential area will be directly adjacent to the designated sites boundaries we question how these impacts can be avoided.

We advise that the additional information is not sufficient to fully understand what impact the proposal will have on the designated sites.

## **Birds**

### *Wintering birds*

A wintering bird survey has been submitted and it has made the following conclusion: *Due to the low numbers of overwintering waterfowl using the habitats next to the Proposed Development it is thought that neighbouring habitats do not provide functionally linked overwintering habitats to the SSSI or SPA of any significant value*

However the wintering bird surveys were only carried out in December and January and no information has been provided detailing why surveys were not carried out from October to March to fully understand how wintering birds were using the site and adjacent habitat. We advise that this point needs to be addressed within the submitted report.

We due to the lack of surveys the wintering bird surveys may not provide an accurate understanding of how wintering birds use the site and therefore the conclusions may not be valid.

### *Breeding Birds*

The breeding bird surveys were only carried out in July 2022. The updated breeding bird surveys methodology details that 6 surveys should be carried between March and July 2023 and any deviation in the number of surveys must be supported with detailed and robust justification.

As only 1 survey visit was carried out we highlight that it is possible that larger number of birds utilise the site than were recorded during the breeding bird survey.

Our original comments were provided in November 2022 and therefore updated breeding bird surveys could have been completed in the 2023 survey season.

#### Habitat Regulations Assessment

The HRA has screened out every impact except recreational pressure. However as detailed above we are concerned that full breeding and wintering bird surveys were not carried out and therefore it may not have fully assessed the impact the proposal will have on any birds associated with the designated sites. We can provide further advice on this point once we have received the additional information requested above.

The report has concluded that the proposal will not result in an adverse impact on the SPA/Ramsar sites due to contributing to the SAMMS scheme. The HRA states the following regarding payment:

Gravesham Borough Council state that *“Developers are requested to pay the full tariff of £314.05 for every new dwelling or non-C3 residential use, provided within 6 km of the Ramsar site and SPA larger housing developments beyond 6 km from them.”*

The report then concludes that it will only be certain phases within the 6km that will have to contribute to the proposed development. As the information from GBC states that it will include larger housing developments beyond 6km we are of the opinion that all dwellings within the proposal must contribute to the SAMMS scheme.

#### **Additional Documents**

The phase 1 map and the illustrative landscape master plan have only been provided as inserts in the Biodiversity Net Gain Assessment and difficult to review. Therefore we advise that we require readable versions of these documents. The submitted information details that these plans have been provided but we are only able to locate the phase 1 map. We advise that the illustrative landscape master plan must be submitted to ensure that we can consider the submitted information fully.

We require the BNG excel metric to be submitted to enable us to consider if we agree with the conclusions of an anticipated BNG of 352% habitats and 75% of hedgerows. We understand that the site is largely hard standing but considering the high levels of anticipated recreational use we do query how that can be achieved. This document has not been provided and therefore our previous comments are still valid.

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

**Helen Forster MCIEEM**  
**Biodiversity Officer**

This response was submitted following consideration of the following documents:  
ES CH14 Ecology and Biodiversity; Trium  
ES Appendix Ecology and Biodiversity; Trium

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## Growth, Environment & Transport

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**BY EMAIL ONLY**

13 November 2023

Dear Sir / Madam,

### **Re: Maidstone Local Plan Review Main Modifications Consultation following Examination**

Thank you for consulting Kent County Council (the County Council) on the Maidstone Local Plan Review Main Modifications Consultation following the Examination. The County Council has reviewed the consultation documents and makes the following representations:

#### **Highways and Transportation**

Kent County Council, as Local Highway Authority, welcomes the opportunity to comment on Maidstone Borough Council's proposed main modifications to the Maidstone Local Plan Review.

It is recognised that the main modifications have sought to address many of the transport-related points raised by the County Council during the Stage 2 Hearing sessions and subsequent officer-led discussions.

There are several residual matters however, where it is considered that further alterations to the policy content should be made in the interest of consistency and soundness. These are outlined below.

#### MM11: Policy LPRSP2

The road corridors now referenced in part (d) (i) of section (3) of Policy LPRSP2 should also include A274 Sutton Road, given that the criteria supporting Policies H1 (27) and H1 (28) specifically require junction and capacity improvements at that location.

## MM15: Policy LPRSP4(A) Heathlands

The Borough Council's modified phasing timetable indicates that the north-west access onto the A20 will be delivered in Phase 2. This implies that Phase 1, comprising 1,310 homes and a local centre, will be served via a single point of access, defined as the north-east access onto the A20.

The Kent Design Guide<sup>1</sup> provides Local Planning Authorities with advice on the design parameters associated with different road functions. The highest category road, a Local Distributor Road, is defined as suitable to serve 300 or more homes. A scale of development substantially larger than the 300 homes specified in the Kent Design Guide will ordinarily warrant a second point of access. The County Council therefore requires an amendment to the policy to require the north-west access onto the A20 in addition to the north-east access to be delivered in Phase 1.

This will achieve a higher degree of network resilience commensurate with the scale of development being served directly via the A20. The availability of two accesses onto the A20 will also facilitate a more efficient route for the diversion of bus services through the site, which the policy identifies will take place in Phase 1.

It is of note that the Borough Council's proposed modifications to the phasing timetable in LPRSA4(A) will result in a larger scale of development being delivered ahead of key public transport improvements. The delivery of the rail station and bus diversions are now programmed at 1,310 homes rather than the 629 homes previously indicated in ED59. The bus links to the District Centre and neighbouring villages are also now programmed at 3,758 homes rather than the 2,675 homes specified in ED59.

This represents a significant weakening of the policy and is inconsistent with the emphasis placed on prioritising public transport within paragraphs 110 and 112 of the National Planning Policy Framework. It also reduces the scope for sustainable travel behaviours to be encouraged at the earliest possible stage.

The County Council is unaware of any evidence that justifies a delay to the delivery of these key elements of transport infrastructure. It therefore remains imperative that Policy LPRSA4(A) minimises the number of homes completed in advance of the necessary infrastructure being delivered, as had previously been indicated in ED59.

When viewed alongside the Infrastructure Delivery Plan (IDP) dated June 2023 (ED126), modified policy LPRSA4(A) lacks clarity and consistency in how it refers to bus diversions connecting to Lenham and Charing in Phase 1 and bus links to the District Centre and neighbouring villages in Phase 3. The policy is not fully synchronised with items HTLPR4, HTLPR5 and HTLPR6 of the IDP, which specify how all components of the bus service provision should be delivered within a 2037 timeframe equivalent to Phase 1. These include shuttle bus and school bus services that are not explicitly referred to within the policy.

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<sup>1</sup> Kent Design Guide (2005, Kent County Council)

Furthermore, the County Council considers it to be essential that the District Centre is made accessible to new and existing communities by public transport at the earliest opportunity. Modified policy LPRSA4(A) indicates that the District Centre will be completed in Phase 2 and that the bus links serving it will be delivered in Phase 3. This misses the opportunity to enable trips by public transport from the outset.

Policy LPRSA4(A) requires amendment to ensure it is fully aligned with the IDP. It should require the bus diversions and links, including the shuttle and school bus services, to be made available in Phase 1 and require the District Centre to be made accessible by bus in conjunction with its completion in Phase 2.

#### MM16: Policy PLRSP4(B) Lidsing

The additional paragraphs to be inserted after paragraph 6.77 regarding the Air Quality Mitigation Strategy identify interventions that involve alterations to the road layout and the management of traffic flow on the existing highway network. An amendment is therefore considered necessary to highlight how the Mitigation Strategy should be subject to the approval of Kent County Council as Local Highway Authority, in addition to Maidstone Borough Council and Natural England.

The list of potential mitigations included in the second additional paragraph should also refer to road improvements to encourage use of the strategic highway network as an alternative to minor roads through Bredhurst and Boxley.

In the interest of clarity, section 6 (Transport Connections) part g) of Policy LPRSP4(B) should be modified to outline how the Supplementary Planning Document will include a Transport Assessment that has been prepared in accordance with a scope agreed by Kent County Council and National Highways. It should highlight how the Transport Assessment must identify the required mitigation measures, including how they will be secured and the triggers and timing points for their delivery. This additional content will achieve consistency with that already included in MM15 in respect of LPRSP4(A) on Heathlands.

The bus service serving Boxley and Bredhurst now referenced in section 6 (Transport Connections) part b) ii) of Policy LPRSP4(B) has not been included as an item within the IDP. It is important that the delivery arrangements for the service are identified in the IDP to ensure it is provided at the point it is needed.

Furthermore, the off-site mitigations in Bredhurst and Boxley referred to in Phase 2 of the phasing timetable have not been included as an item within the IDP. It is important that the delivery arrangements for these mitigations are identified in the IDP to ensure that they are provided at the point they are needed.

#### MM22: Policy LPRSP5(B) Invicta Park Barracks

The modified phasing timetable in Policy LPRSP5(B) indicates that highway mitigations will be completed in Phase 2 of the development. This implies that no highway mitigations will accompany the 500 homes proposed in Phase 1.

The County Council is concerned that the timetable pre-empts the findings of the Transport Assessment that should be prepared in support of the Supplementary Planning Document. This Transport Assessment represents the appropriate means of determining the full scope and timing of all required highway mitigations.

The County Council requires an amendment to Policy LPRSA5(B) to ensure that the requirement for highway mitigations is identified in both Phases 1 and 2 of the phasing timetable, subject to the findings of the Transport Assessment and the Monitor and Manage Strategy. In light of the evidence already available in ED85, the policy should also specify that mitigations will be required on the A249, M2 J3 and M20 J6/J7 in addition to the A229 and Sandling Lane corridors.

#### MM50: Paragraph 7.79

The additional paragraph to be included after paragraph 7.79 should be amended to confirm how the IDP update will set out an approach to Vision and Validate/Monitor and Manage that has been agreed with the County Council as Local Highway Authority.

#### MM51: Paragraph 7.82

The Borough Council's modifications have omitted several key junctions on M2 J3 (Blue Bell Hill), M20 J8, M20 J9 and A20 Broadway/Barker Street. These should be referenced as they have already been identified as requiring improvement in support of the planned growth.

#### MM52: Paragraph 7.83

The additional paragraph to be included after paragraph 7.83 identifies how pooled contributions will be used to deliver transport measures aimed at mitigating cumulative impacts. It is implicit within this approach that contributions would be transferred over to the County Council who, as Local Highway Authority, would then assume responsibility for delivery. This exposes the County Council to the risks of ensuring timely delivery of the mitigation within the available budget.

An amendment to the paragraph is required to highlight how it will be the responsibility of the applicant(s) to fund and deliver any infrastructure that is necessary to support new development. In the case of works on the highway this will be by means of a Section 278 Agreement.

#### MM56: Policy LPRSP13 Infrastructure Delivery

The Borough Council's modification to section 2) of LPRSP13 should be amended to remove 'where necessary', as Section 278 Agreements will typically form the mechanism used to secure mitigations on the local road network.

### **Education**

Kent County Council, as Local Education Authority, holds a statutory responsibility to ensure there are sufficient school places for residents of Kent. As part of discharging that



responsibility the County Council seeks to work positively and proactively with all Local Planning Authorities within Kent to ensure that Local Plans incorporate sufficient additional education provision where necessary.

It is forecast that the existing number of Year 7 places in the Borough will be insufficient in the future and the County Council is working with schools to establish further places to ensure that every child receives an offer of a school place. The context is such that there is no surplus or 'slack' in secondary education provision and any additional demand for places created through continued housing growth must be mitigated. Without additional provision then any growth within Maidstone Borough is severely constrained. This context was set out to Maidstone Borough Council at Regulation 18 stage of the Local Plan Review within the County Council's response dated 30 September 2019.

The County Council has approached the Maidstone Local Plan Review in the same positive, evidenced and balanced way as all other development plans in the county. However, despite making representations and raising concerns regarding the proposals throughout the process from the first Regulation 18 Consultation onwards, the proposed Local Plan Review, subject to the proposed modifications, does not secure the provision of necessary additional secondary school places.

#### MM22 LPRSP5(B)

To address matters of effectiveness, the County Council has consistently sought that the Local Plan fully allocates and secures a secondary school site within the Maidstone Town area within policy and ensures that the school site is available when it is needed. The need for the school will be early in the plan period, likely from 2027-2030. The need is strategic and not solely linked to development of the Invicta Barracks; indeed, if the Barracks did not form a proposed housing site in the Local Plan, a new secondary would still be required to mitigate the demand arising from other growth in the Plan.

MBC has proposed a policy for the Barracks site through a main modification which reads:

*New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, subject to continuing review of future educational need in Maidstone Borough and an ongoing assessment of other sites in and around the town centre with the scope to accommodate some or all of the educational need.*

Insertion of the below:

*Identification of land for future educational needs and mechanisms for provision to KCC subject to need being established [by 2027]*

*New School [by 2037]*

*The indicative framework diagram below will be used to inform the preparation of the SPD for Invicta Barracks and detailed site masterplanning.*



*Mechanism and Timing of Delivery*

The allocation of a secondary school site should not be subject to a further review. It should be considered an essential piece of infrastructure necessary to ensure growth is sustainable and the Plan should secure a suitable and deliverable site for the school. If the Borough Council holds any doubts that the Invicta Barracks site is not considered to be suitable or capable of delivering a secondary school site at the appropriate time, then an alternative should be secured now. It is not considered appropriate for other sites to be assessed in parallel and the identification and assessment of suitable sites for infrastructure provision should be conducted prior to the Plan’s submission and adoption but to the County Council’s knowledge no assessment process has been established by the Borough Council and the Borough Council does not intend to undertake such a process. The secondary school may need to be open by 2027, however the policy framework only seeks for a secondary school requirement to be ‘established’ by 2027 and for a school to open by 2037. This is not sufficient or adequate to meet the projected need for additional school places by 2027/2028.

*Physical Barriers to Delivery*

The County Council has raised concerns that the size and shape of the land identified for the school would not typically be considered appropriate. The component parts of a school are typically formed of rectangular shaped elements, such as playing pitches or buildings, which cannot be squeezed within irregularly sized or shaped sites. Additionally, the area proposed is not currently bare land or considered to be developable; the below shows an aerial view:



Not only is this area made up of steep gradient changes, but it also has on it existing residential development which would require demolition and has a significantly sized area of mature woodland within it. This places doubt on whether the site could ever be used for a school and if it could, whether significant and expensive remediation work would first be required. The Local Plan policy must require this of a developer, it cannot be a cost falling on the County Council. If this land could be remediated it would take time to do so and conflicts with the need for a new school early within the Plan period. The knock-on effects of the construction of a more expensive secondary school than would ordinarily be required is for the Plan's viability assessment to be altered, as all contributing development will carry a greater cost burden, and this has not been reflected within the Borough Council's Infrastructure Delivery Plan (IDP).

The County Council has raised concerns about the appropriateness of this site on multiple occasions; including when first proposed through the Regulation 19 consultation – to which the County Council provided a response on 10 December 2021. The County Council recognises that the Borough Council has chosen not to select an alternative site and therefore the County Council has proactively commissioned independent advice on what measures would be required for the proposed site to accommodate a school and the potential abnormal costs involved. The conclusion of this advice is that significant remediation costs would be associated with the delivery of a school on this site and the site is unlikely to be able to accommodate a secondary school that conforms with the Government's space guidelines. This independent report has previously been shared with the Borough Council (on 31 May 2023), however its conclusions have not been reflected in the Local Plan. It is appended to this submission (Appendix A) and shows an estimated initial cost of £48-60m compared to the IDP's cost estimate of £36m. The viability of the sites contributing to the County Council's higher cost estimates has not been tested.

The cost of providing the new school wholly relates to growth and a mechanism to ensure proportionate contributions are made by contributing developments must be set out in policy; the proposed Local Plan does not set this out.

#### *Previous Representations*

It is important to highlight that the County Council has been consistent in all its representations to the Local Plan Review and in informal discussions with the Borough Council.

The need for two new secondary schools to be established was contained within KCC's response to the Regulation 18(2) consultation, 22<sup>nd</sup> January 2021.

*The establishment of a new secondary school to support growth at Heathlands will be necessary and a significant amount of work will need to be undertaken to identify how development in and around Maidstone and the Regional Service Centres could be accommodated. **This may include the need for an additional secondary school to be established within the Maidstone urban area.***

It is noted that this consultation set out the Borough Council's preferred spatial strategy for development but did not set out the specific quantum of development, specific locations or timing of occupations. Therefore, the County Council was able to highlight the potential need for new schools at that stage and that further information was necessary to assess when such a need would be required.

The Borough Council did not consult on any more developed proposed plans until the Regulation 19 consultation. This was the first consultation where Invicta Barracks was identified as a location for a potential new secondary school. The County Council highlighted concerns regarding deliverability at this first stage and the County Council's response to that consultation on 10<sup>th</sup> December 2021 is set out below:

*Secondary Education: There are not expected to be any surplus secondary school places in existing schools in the borough to mitigate the increased demand generated by housing growth in the Plan, so it is therefore imperative that the Plan is supported by additional school places.*

*The spatial distribution of the Plan means that a new secondary school is required at Heathlands. That school 's capacity would be fully absorbed by pupils from the proposed garden settlement, so it is therefore necessary for additional provision to be provided in addition to a new school at Heathlands.*

*The ability for existing schools to expand sufficiently to accommodate the need from the Plan is minimal and the establishment of a new secondary school to act as a strategic piece of infrastructure is required for the Plan to be sustainable. The County Council views the geographic location of Invicta Barracks to be acceptable in broad terms, however it is concerned with regards to the deliverability of this essential piece of infrastructure. It is currently understood (as of December 2021) that the Barracks is expected to continue as an operational Defence Asset until 2029 and it is reasonable to assume that the earliest point a secondary school could be established on this site is 2031; although that remains within the Plan Period this may not be early enough. Depending on the pace of developments within the Plan, the need for establishment of the school could be prior to 2031.*

*The wording of: 'Ensuring requisite community facilities, including neighbourhood shopping and health facilities in addition to a new all through-school, are delivered where proven necessary and in conjunction with housing;' does not fully secure a site for the essential secondary school as part of the proposal. The County Council considers it reasonable that, as the establishment of a new secondary school is essential to the sustainability and deliverability of the Plan, a greater level of clarity and intent with regards to this piece of infrastructure is reflected in the Plan.*

*The current position as presented to the County Council raises concerns that there may be barriers to delivery of this infrastructure, which could undermine the effectiveness of the Plan's infrastructure delivery. The Plan should be flexible to deal with changing circumstances, but there currently does not appear to be flexibility within the Plan for this secondary school to be established at an alternative location.*

#### *Previous Agreements*

County Council officers agreed via email the wording of a Modification to LPRSP5(B) on 22 November 2022 with Maidstone Borough Council representatives. This modification read:

*New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, the opening date of which is anticipated to be early within the development, this timing will be subject to continuing review of future educational need in Maidstone Borough and will be determined and evidenced by Kent County Council.*

This wording was agreed by Phillip Coyne on 22 November 2022 19:44. However, County Council officers were informed that this was not submitted to the Inspector by MBC on the 25th November 2022, the final day of the Hearings. It is unknown why Maidstone Borough Council Officers chose not to make the Inspector aware of this agreement. Details of this email chain have been appended to this response (Appendix B)

### Need for Additional School Places

The County Council's Commissioning Plan for Education Provision in Kent is a document updated annually outlining the forecast need for additional places within the County and contains detailed information and data relating to school place need. This Commissioning Plan was submitted to the Examination Library (ED101). Additionally, the County Council is required to submit a statutory return to Government with data on pupil projections, known as the School Capacity Survey (SCAP), which goes through review by the Department for Education before it is approved. These data sets evidence the need for future additional school places in Maidstone and have done so throughout the period the Local Plan was developed prior to submission.

During the examination sessions, Maidstone Borough Council stated that the need for additional secondary school places was not evidenced but it is unclear how it reached this conclusion given the wealth of evidence available.

Below is the 10-year forecast for Year 7 places in Maidstone, demonstrating a forecast deficit in places which is sustained.

Planning Group code	Planning Group name	2022-23 capacity	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2032-33 capacity
886NS11	NS - Maidstone District	1,560	-20	-148	-129	-160	-195	-241	-288	-320	-257	-238	-199	1,530

Maidstone Borough Council commissioned the same consultancy firm that acts for the promoter of the Barracks allocation to produce a note on school place demand in Maidstone. This document titled: *Invicta Park Barracks and Secondary School' produced by EFM Ltd, Second Draft: 27th April 2023'* does not challenge the need for a new school in the timelines outlined by KCC. It is our understanding that this document was not submitted to the Examination Library but has been provided at Appendix C.

The EFM report does highlight that the Barracks location may not be available at the time that a new school is needed. This was highlighted to the Borough Council by the County Council when the Barracks was first proposed as a location for the necessary school site. It was also highlighted by EFM Ltd in their capacity acting for the site promoter. Maidstone Borough Council submitted the Plan for Examination in this knowledge.

At examination, it was stated by representatives of Maidstone Borough Council that Kent County Council's forecasts '*are not certain*'. By definition no forecasts are ever certain; however, the County Council's pupil forecasting remains one of the most accurate in the country. Since 2009, the forecasts for pupil place need in Maidstone have been 99.4% accurate (0.6% under forecast). This is detailed below.

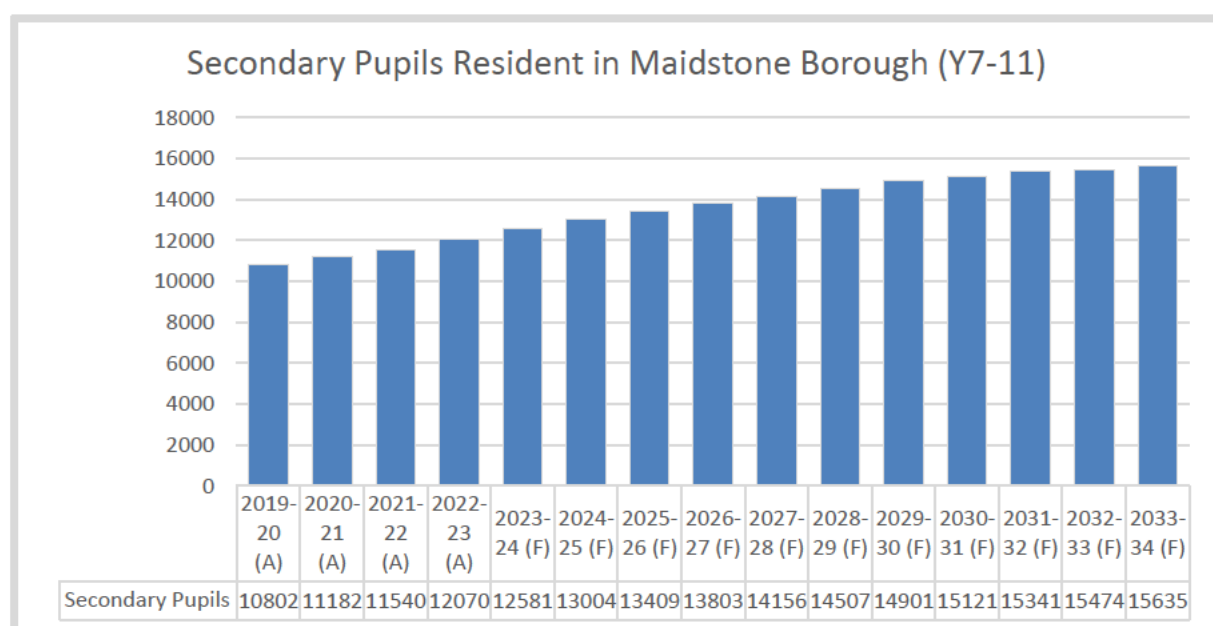
It should also be noted that Ms Noler on behalf of Maidstone Borough Council stated at examination “I don’t know how they [KCC] do their forecasting” and sought to rely on 2018 Office of National Statistics (ONS) projections that do not relate to pupil place planning.

Maidstone														
% accuracy	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Actual roll	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
2009 forecast	100.5	100.2	100.0	99.3	97.8									
2010 forecast		99.7	99.3	98.5	97.3	96.5								
2011 forecast			99.9	98.8	97.3	95.4	95.6							
2012 forecast				99.6	98.1	97.1	96.3	95.6						
2013 forecast					98.6	97.9	97.5	96.8	95.8					
2014 forecast						99.8	99.7	99.7	99.5	100.0				
2015 forecast							100.2	100.7	100.6	101.1	101.4			
2016 forecast								100.6	100.6	101.0	101.4	101.6		
2017 forecast									100.8	101.5	101.7	101.8	101.8	
2018 forecast										100.3	100.7	100.9	100.8	100.5
2019 forecast											100.1	99.9	99.5	99.0
2020 forecast												99.3	98.3	97.3
2021 forecast													99.3	98.7
2022 forecast														101.0

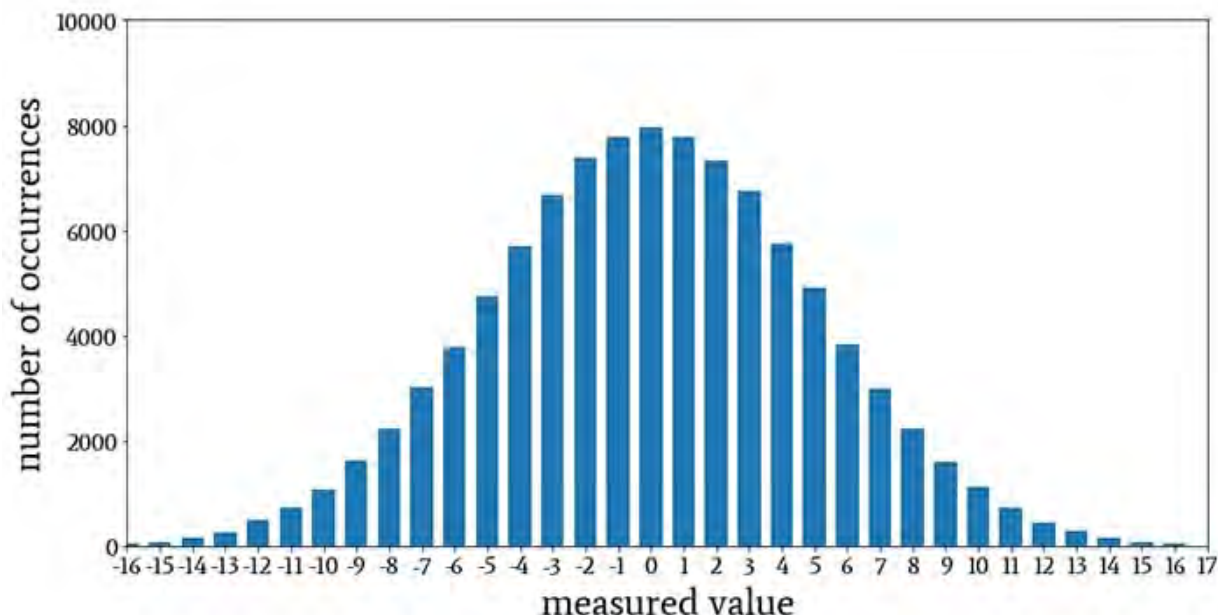
It was also mentioned at examination that the Borough Council viewed the need for school places to be temporary, or a bulge provision. This is incorrect. Bulges in pupil cohorts represent years where there are more pupils than preceding or following cohorts and can be caused by many factors, such as a higher birth rate in one year.

At examination, Ms Thomas KC stated “You’ll also know from Mr Hunter, that there has been this bulge of secondary school pupils coming for quite a long time. It started in the primary system and is working its way through to secondary school, and we know that it’s been coming around 2027/28/29”. However, no representative from the Borough Council or the DIO (which Mr Hunter represents) referenced when pupil numbers were expected to decrease after rising, something necessary for the projections to be described as a ‘bulge’.

Below is the forecast secondary aged population in Maidstone, this shows a steadily increasing number of pupils each year going forward and does not show a bulge:



A bulge would present as a statistical 'normal distribution' such as below, this contrasts dramatically with that shown above:



*Example of what a bulge would look like.*

The below table shows the pupil product forecast to be generated by the Borough's housing trajectory. This uses the Trajectory from ED121, Appendix 1, of the Main Modifications.

The table shows the number of secondary pupils directly generated by housing development in each year and the cumulative number of pupils from 2021. This shows that over the life of the Local Plan Review Period, a total of 3,934 pupils are expected to arise from the housing proposed, equal to 26 Forms of Entry of provision. The table also shows that by 2027, up to 10FE of provision is expected to be generated by housing. The County Council proposes to manage this through the expansion of existing schools where possible and the essential commissioning of an additional secondary school to serve the Borough. However, this demonstrates that timing is of critical importance. A pupil yield of 0.2 has been used, in line with the County Council's [Developer Contributions Guide](#)

		Housing Trajectory	Expected Secondary School Pupils (Per Year)	Cumulative Secondary School Pupils	Of Which Expected Cumulative Year 7	Cumulative FE (Year 7)
Past Fur	<b>2021/22</b>	1,157	231.4	231	46	2
	<b>2022/23</b>	1,000	200	431	86	3
	<b>2023/24</b>	1,000	200	631	126	4



<b>2024/25</b>	1,000	200	831	166	6
<b>2025/26</b>	1,000	200	1031	206	7
<b>2026/27</b>	1,000	200	1231	246	8
<b>2027/28</b>	1,000	200	1431	286	10
<b>2028/29</b>	1,150	230	1661	332	11
<b>2029/30</b>	1,150	230	1891	378	13
<b>2030/31</b>	1,150	230	2121	424	14
<b>2031/32</b>	1,150	230	2351	470	16
<b>2032/33</b>	1,150	230	2581	516	17
<b>2033/34</b>	1,352	270.4	2852	570	19
<b>2034/35</b>	1,352	270.4	3122	624	21
<b>2035/36</b>	1,352	270.4	3393	679	23
<b>2036/37</b>	1,353	270.6	3663	733	24
<b>2037/8</b>	1,353	270.6	3934	787	26

### **Resulting impact if this matter remains unaddressed**

Kent County Council has a statutory duty to ensure a sufficiency of school places under Section 14 of the Education Act 1996. Should the Local Plan Review be adopted in its proposed form then the County Council's ability to meet its statutory duty would be severely diminished and the County Council would be placed at risk of not being able to meet its statutory responsibilities.

Whilst the County Council will endeavour to secure sufficient school places and that those school places required for Maidstone resident children to be located in Maidstone Borough, this cannot be guaranteed due to the proposed policies of the Local Plan Review. A necessary new secondary school could not be established on the timelines it is required due to the policy framework of the Local Plan Review; the new school is wholly necessary as every other opportunity to expand existing schools within the Borough has either been taken or is planned to be taken.

Should the Local Plan Review frustrate the ability for the County Council to create necessary additional school places within the Borough, the result would be that some pupils would likely be allocated surplus places within the areas of the Isle of Sheppey, Folkestone, Deal and Tonbridge and Malling. However, there isn't sufficient forecast surplus capacity across the County to absorb the full deficit and the County Council would be required to commission additional places outside of Maidstone for Maidstone residents. This is absolutely not a situation the County Council would wish to be in. The County Council has and will continue to endeavour to prevent this situation from happening. However, without modification the Local Plan Review may require the County Council to do so as a last resort. This would not represent sustainable growth from an environmental, economic, social or financial perspective and the cost to the taxpayer of providing pupils with transport to schools in excess of 30 miles from their home would (1) represent an unnecessary financial burden on the taxpayer, and (2) may put at risk the performance of other County Council duties.

## Heathlands

The development, once fully occupied, would generate a demand for 1,000 secondary school places. This will require the establishment of a new secondary school. There is not expected to be any surplus capacity within existing secondary schools to accommodate these pupils and additional provision will be required to ensure the development is sustainable.

The total development is forecast to generate a pupil need of approximately 7FE; the most suitable strategy for meeting that need has been proposed by the County Council as Local Education Authority as a 1FE expansion of an existing school to establish capacity for the first element of housing, followed by the establishment of a new 6FE secondary school.

The proposed modification currently includes the following:

*A new 5 or 6 form entry Secondary School to be provided on site. The timing of delivery of the secondary school will be subject to need, to be agreed in conjunction with Kent County Council.*

County Council officers proposed that the error in the size of the school be removed and consistent wording regarding the delivery timescales introduced. The text below was provided to the Borough Council and agreed via email on 22<sup>nd</sup> November 2022. However, this was not submitted by Maidstone Borough Council to the Inspector. The relevant email chain appended in Appendix B:

*A new 6 form of entry Secondary School to be established on site. The timing of delivery and opening of the secondary school will be by the occupation of 700 residential units, such timing to be regularly reviewed by Kent County Council.*

The County Council views it essential that the correct size of school is included within Local Plan policy.

1FE of provision through the expansion of an existing school would provide secondary school capacity for approximately 750 dwellings. The Plan should therefore reflect and seek to deliver a framework that would allow the establishment of a new secondary school within the site by this point to ensure sufficiency of education provision for residents. The proposed policy does not do this.

The policy modification states: 'Secondary education provision delivered as necessary' within Phase 2 of the development by 2045 once 3,101 units have been occupied. If a secondary school were to be established along these timelines in line with that quantum of development, the delay to establishing a secondary school would lead to insufficient provision for approximately 470 secondary aged pupils for an unknown number of years, for which no school place is currently forecast to be available within the local or wider area.

This approach is not consistent with national policy and would represent unsustainable development. This should be addressed through alteration of the policy to ensure a new secondary school site is integrated and secured within policy and the masterplan for the

development and is available for delivery when it is needed; this has been set out in the County Council's responses to the Borough's consultation process.

## **Minerals and Waste**

### MM15: Policy LPRSP4(A) Heathlands Garden Settlement

In respect of 1. Phasing and Delivery paragraph d) – the County Council as Minerals and Waste Planning Authority recommend that reference to the “*Kent Minerals and Waste Plan*” is corrected to [Kent Mineral Sites Plan 2020](#). The County Council notes that this modification aligns with the Statement of Common Ground between Maidstone Borough Council and Kent County Council in respect of Minerals at Chapel Farm (ED65).

## **Sustainable Urban Drainage Systems (SuDS)**

The County Council, as Lead Local Flood Authority, is generally satisfied that the management of surface water has been considered appropriately within the Local Plan Review.

Within Policy H1 (10) South of Sutton Road, Langley it is stated that consultation is required with Southern Water and the Environment Agency in respect of drainage infrastructure – the County Council request that the County Council is also included as Lead Local Flood Authority. For robustness, the County Council recommends the inclusion of a reference to the need for consultation with the Lead Local Flood Authority in all the individual sub-policies to Policy H1.

## **Heritage Conservation**

### MM15: Policy LPRSP4(A) Heathlands Garden Settlement

In respect of section 7) Environment, the County Council welcomes the proposed modifications which will help ensure that development proposals are informed by a comprehensive understanding of the heritage of the area.

### MM16: Policy LPRSP4(B) Lidsing Garden Community

In respect of section 7) Environment, the County Council welcomes the proposed modifications in respect of heritage as detailed in part c and f.

### MM22: Policy LPRSP5(B) Development at Invicta Barracks

The County Council welcomes the consideration of the significance of the military heritage of the area within part 11 of this policy.

### MM45: Paragraphs 7.61 - 7.69

In respect of paragraph 7.67, the County Council is concerned that removing this paragraph will reduce the reader's awareness of the archaeological potential of the Woodcut Farm site. The County Council is surprised that this is being recommended as the modifications MM16 and MM22 introduce paragraphs very similar to that being removed here.

MM75: Policy LPRSA265 Land at Abby Gate Farm, South West of Maidstone

In respect of the proposed amendments to the Design and Layout section, the County Council welcomes the modifications proposed within the 8<sup>th</sup> and 9<sup>th</sup> bullet point which broadens the definition of the heritage that should be taken account of and the modifications that should help protect the setting of the heritage assets.

MM100: Policy LPRQ&D5 Conversion of Rural Buildings

The County Council welcomes the requirement to take account of the Kent Farmsteads Guidance.

MM105: Policy LPRENV1 Historic Environment

The County Council welcomes the proposed modification within paragraph 1 of this policy.

In respect of paragraph 3, the County Council welcomes the proposed modification as this will broaden the scope of any heritage assessment.

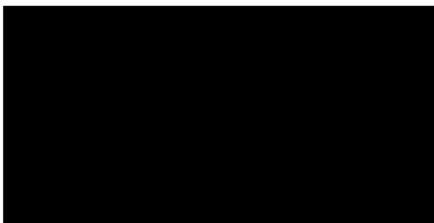
In respect of paragraph 4, the County Council welcomes the proposed modification to include non-designated heritage assets.

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The County Council will continue to work closely with the Borough Council to help ensure the appropriate delivery of a sound Local Plan. However, there remains several residual matters where it is considered that further alterations to the policy content should be made in the interest of consistency and soundness. The County Council will welcome continued but timely engagement with the Borough Council as Local Planning Authority in addressing the matters raised in this response.

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

Yours faithfully,



**Simon Jones**  
Corporate Director – Growth, Environment and Transport

Enc.

Appendix A: Maidstone Barracks Feasibility Report 31.05.23

Appendix B: Email chain between County Council and Borough Council officers relating to proposed modifications to LPR5(b)

Appendix C: Invicta Park Barracks and Secondary School' produced by EFM Ltd, Second Draft: 27th April 2023

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# Maidstone Barracks

New Build 2FE Primary & 6FE Secondary School

## Feasibility Report



## Contents

1. Executive Summary
- 2.1 Design Feasibility
- 2.2 Options Appraisal Site Plans
- 2.3 Schedule of Accommodation
3. Commercial Feasibility
4. Clarifications
5. Initial Key Risks
6. Conclusion

### Our Values



**Collaborative**



**Trusted**



**Focused**



## 1.0 Executive Summary

Kier have been engaged by The Kent County Council (KCC) to establish the feasibility of RIBA Stages 0 to 6 for the delivery of a new build 2FE Primary School and a 6FE Secondary School on the Invicta Barracks site in Maidstone.

The objective of this report is to determine whether this site would provide sufficient space for the education requirements and to establish whether the project is viable to be delivered by Kier.

Based on KCC information issued to date our understanding is that the initial scope of works is as follows:

- **The proposed site is Invicta Barracks and the Client has provided a red line boundary mark up to indicate the area for the feasibility. The existing site has a large area of existing buildings and woodland. Construction of a new All-Through School located in Maidstone, Kent, within the site boundary of Invicta Barracks. This includes a 6FE Secondary School and a 2FE Primary School including access roadways/footpaths, car park, landscaping, and play areas.**
- **Demolition and clearance of buildings and required woodland**

Kier Construction have worked collaboratively with Kier Design Services to ascertain whether the proposal would fit on the suggested site. Within this report, you will find 3nr design options providing consideration to how the proposal may fit within the boundary and the related key risks. The options are as follows:

1. Removal of majority of existing woodland – **PLANNING ISSUE ANTICIPATED**
2. Partial removal of woodland (still a large amount removed) – **PLANNING ISSUE ANTICIPATED**
3. Potential use of adjacent site – **Unknown political/planning issues? Client to feedback**
4. Potential use of adjacent site – **Unknown political/planning issues? Client to feedback**

The following report details the outline proposals for the design to form a basis of agreement for the project.

We would welcome further discussions to clarify the Scope of Works and next steps.

- KCC basic need calculation: £45m excluding Inflation
- Kier Feasibility Estimate: £48m - £60m excluding Inflation & V.A.T

KCC key dates for the project are:

- Construction: 2029

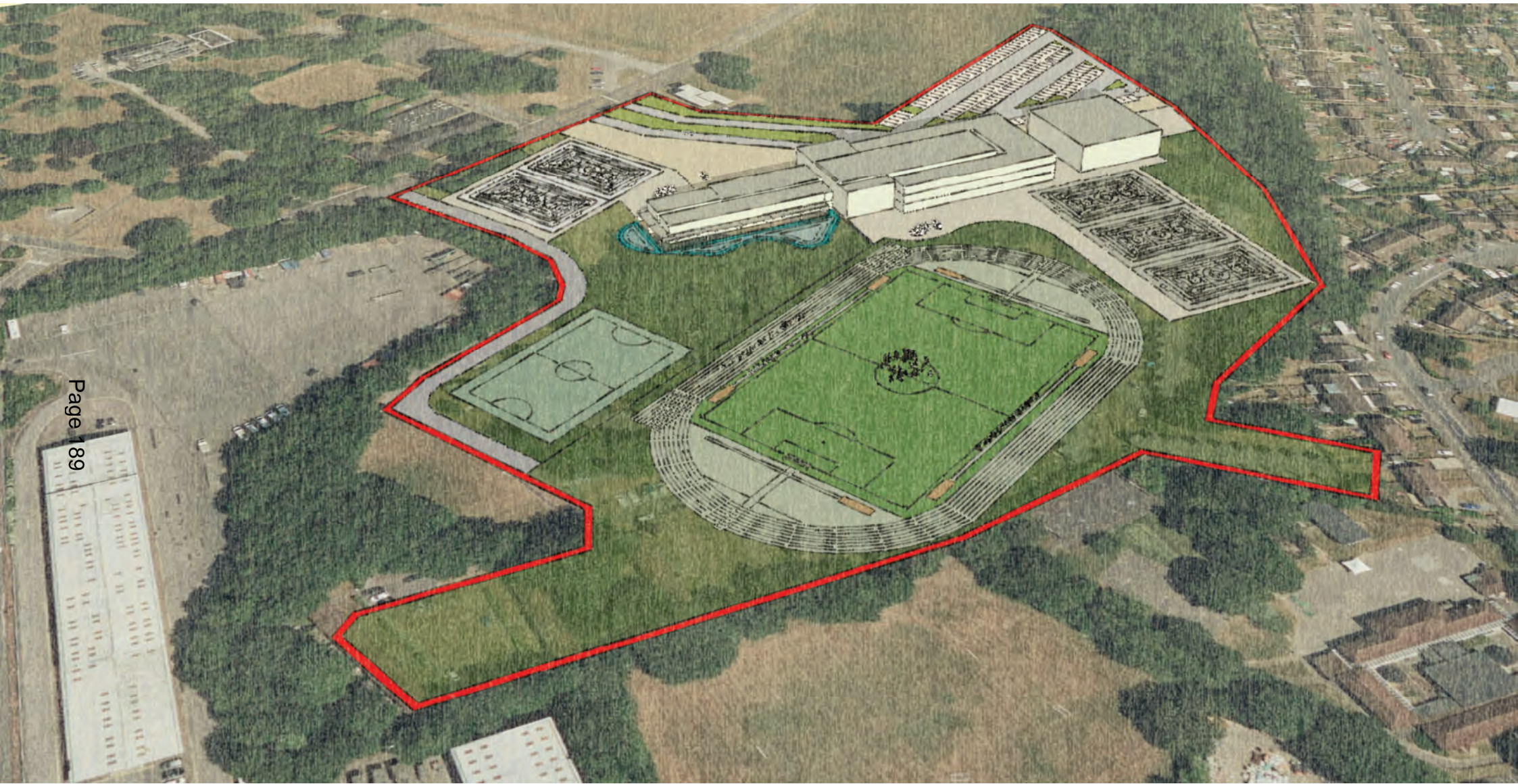
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## 2.1 Design Feasibility

New Build

Options Appraisal 2FE Primary 6FE Secondary





# Maidstone All-Through School

## Design Options - Executive Summary

Kier Design and Business Services were commissioned by Kier Construction and Kent County Council to carry out a Site and Options Appraisal to assist in the Feasibility Study for the Design and Construction of a new All-Through School located in Maidstone, Kent, within the site boundary of Invicta Barracks. The new facility formal design process would not commence until 2029 therefore, the site has been assessed in view of objectives to decarbonization and energy standards past 2030.

An architectural team was engaged to carry out this Report which encompasses area analysis and commentary on footprint location, site setting out and design solutions. If the Client does pursue this site, a series of Engagement meetings are required to be carried out with the Client and School, including staff and stakeholders to help develop a robust Client Brief, Cost Plan and Schedule of Accommodation. The team have identified surveys required in order to progress an education scheme on this site.

An analysis of the whole site was carried out and a number of high risk items and unknowns, particularly to the woodland area, restricts any conclusive recommendations for this sites viability.

The site area is adequate for a 2FE primary and 6FE secondary all through school however, the site constraints provide significant challenge and risk. This is particularly due to the area and potential removal of woodland, resulting in restriction of area for Soft PE, the design does attempt to mitigate area challenge with the provision of an All Weather Pitch. All elements of the scheme can be successfully located onto the site with some removal of trees, an Option has also been proposed with full tree removal as briefed. It is assumed all 10,000m<sup>2</sup> of existing building footprint within the site boundary will be demolished. Surrounding context has been analysed and identification of further opportunities noted. 2 adjacent alternative sites have been explored with apparent less risk involved.

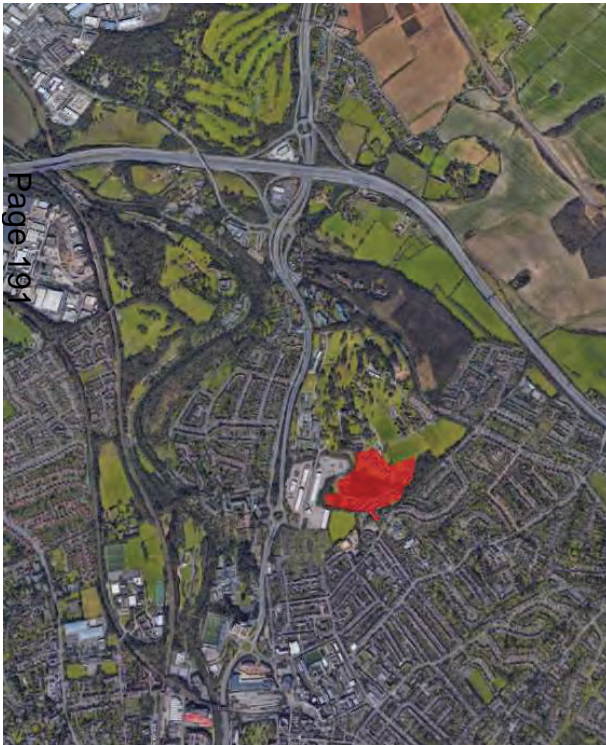
The Primary and Secondary Blocks have been placed on the site with access and orientation considered for low energy Passivhaus design. A separate sports Hall block has been accommodated on the site to give flexibility to out of hours use and community. Blocks and Accommodation schedule have been analysed against BB103 recommendations, any shared space opportunities or restrictions should be developed within a formal Stage 1 engagement process with the Client and end user.



# Maidstone All-Through School

## Site Location

The site is located within the perimeter fence line of Invicta Barracks in Maidstone, Kent. The barracks form a 46.74ha site located within Maidstone Kent. The site is only a 10 minute walk from the town centre and sits within an urban context. A recent Strategic Land Use Plan shows the remaining barracks site proposed as residential and leisure use.



## Site Features

The red line boundary of the proposed site shows likely main access points into the site from the North. There is opportunity for footpath and service vehicle access to the whole of the site but until further site investigations are undertaken this can only be reviewed at high level. The site currently contains a 10,000m<sup>2</sup> footprint of existing buildings requiring demolition, a full asbestos survey will be required.



## Surrounding Site Opportunities

The wider existing context shows well maintained playing fields to the North and East of the Site. There is currently Primary School provision adjacent to the site to the South on Peel St, North Borough Junior and on Hillary street, St. Pauls Infant school. These adjacencies could provide further opportunity for enhancement to educational provision, particularly for Soft PE. Alternative sites been reviewed with lower risk and can be found at the back of this report.



# Maidstone All-Through School

## Building areas based on BB103 guidance:

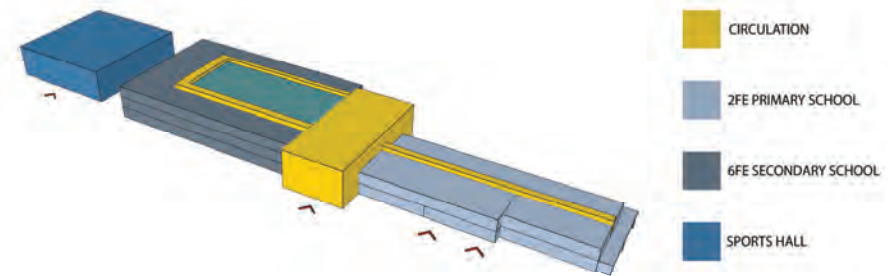
- Base area for all through school Range – 1050m<sup>2</sup> – 1270m<sup>2</sup>
- Additional area/pupil:
- Primary 420 Pupils Range – 1829m<sup>2</sup> – 1890m<sup>2</sup>
- Secondary 900 Pupils Range – 5,670m<sup>2</sup> – 6390m<sup>2</sup>
- Nursey 26 Pupils Range – 106.6m<sup>2</sup> – 117m<sup>2</sup>
- **Total Range 8,656m<sup>2</sup> – 9,667m<sup>2</sup>**

- **GIFA:**
- **Page 102** 2E Primary [w/26 place nursery] – 2,190m<sup>2</sup>
- 6FE Secondary [11-16] – 6,720m<sup>2</sup>
- **Approx. GIFA – 8,901m<sup>2</sup>**

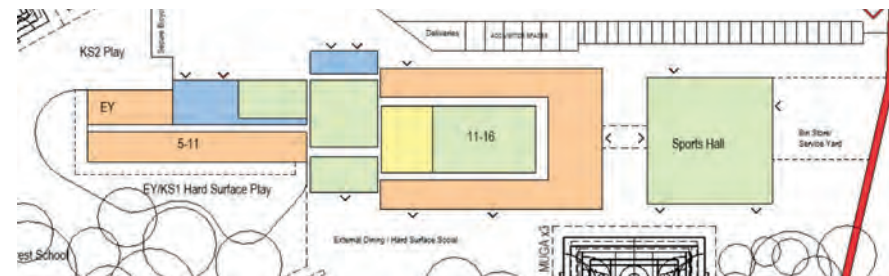
A schedule of Accommodation can be found at the end of this Report.

The Primary and Secondary Blocks have been placed on the site to low energy Passivhaus principles. A separate sports Hall block has been accommodated on the site to give flexibility to out of hours use and community.

It is recommended full Stage 1 engagement is carried out with the Client and end users at the next stage of development to understand the area needs of the school and any shared space requirements between primary and Secondary cohorts.



Primary, Secondary and Sports Block Arrangement with Circulation



The primary school is located to the West, adjacent to Forest School provision with the KS1 play area wrapping around the existing trees to the south. Entrance to the secondary school is to the East, specialist and general teaching accommodation wrap around large hall and resource spaces.

# Maidstone All-Through School

## Existing Site:

- Allocated Site Area Approx. – 66,000m<sup>2</sup>
- Building Demolition Required Approx. – 10,000m<sup>2</sup>
- Existing Woodland within site Approx. – 16,000m<sup>2</sup>
- External Areas:

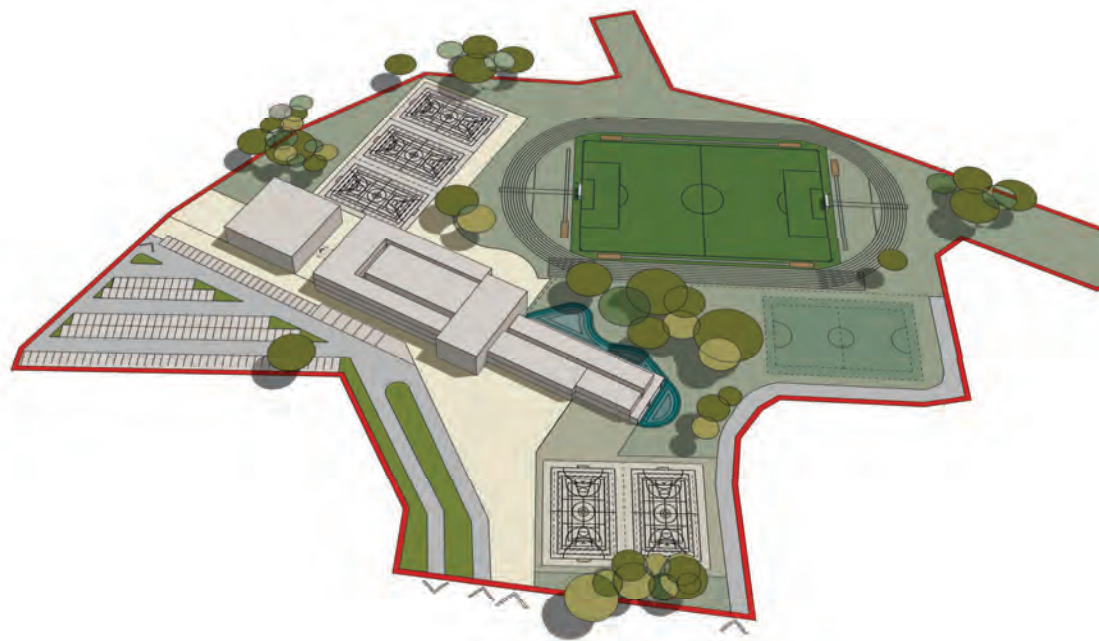
## BB103 Requirement Primary:

- Base Total Site Area Primary 2000m<sup>2</sup> – 2400m<sup>2</sup>
- Additional area/pupil
- Nursery 26 Pupils Range – 156m<sup>2</sup> – 182m<sup>2</sup>
- 5-11 Primary 420 Pupils Range – 13,986m<sup>2</sup> – 17,640m<sup>2</sup>
- **Total Range Primary 16,142m<sup>2</sup> – 20,222m<sup>2</sup>**

## BB103 Requirement Secondary:

- Base Site Area Secondary 9000m<sup>2</sup> – 11000m<sup>2</sup>
- Area/pupil
- 11-16 Secondary 900 Pupils Range – 45,000m<sup>2</sup> – 56,700m<sup>2</sup>
- **Total Range Secondary – 45,000m<sup>2</sup> – 56,700m<sup>2</sup>**

**Grand Total – 61,142m<sup>2</sup> – 76,922m<sup>2</sup>**

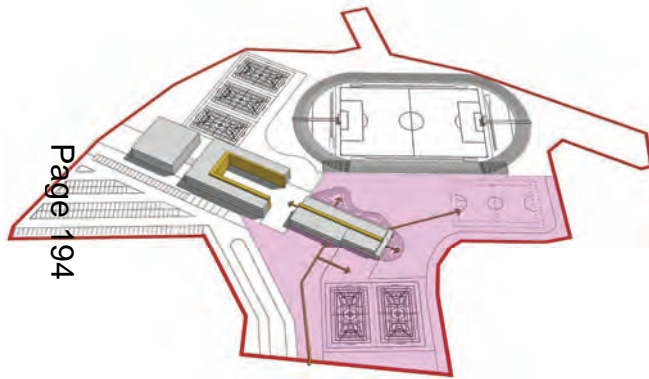


The existing site area falls within range of a school of this size, by placing the access, parking and building footprint to the North, this maximises the south of the site for hard and soft games and PE. Two Options have been developed to analyse the extent to which tree removal would be necessary. It is recommended site surveys are undertaken before any further development, to understand the condition and ecology of the trees and site as removal of trees is currently high risk. Without some removal of trees, the extent of outdoor provision for sports and suitability of this site for educational purposes is limited.

# Maidstone All-Through School

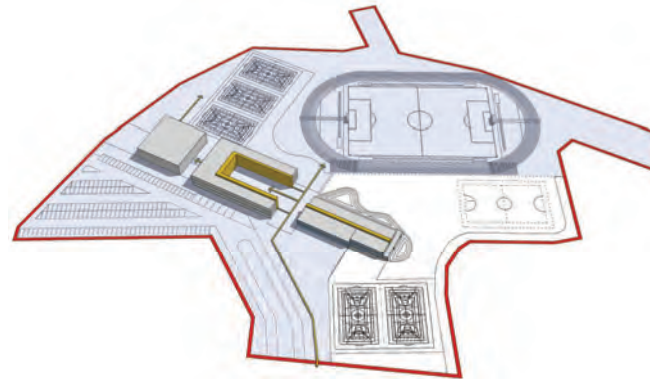
## User Circulation and Site Area

Page 194



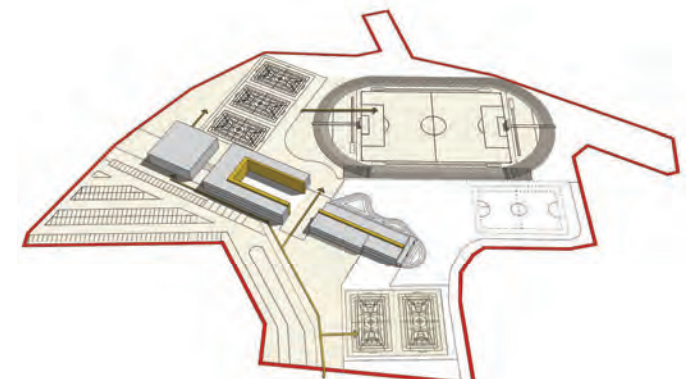
**Primary Site Boundary**

16,200m<sup>2</sup> + Shared Entrance **and** Parking



**Secondary Site Boundary**

49,800m<sup>2</sup> including Shared Entrance and Parking



**Out of Hours Use**

If required, the school can be used out of hours by community groups for sporting and educational purposes.



# Maidstone All-Through School

## External BB103 Area Analysis

### Soft Outdoor PE – 45,900m<sup>2</sup>

Unachievable: available area can be increased if majority of trees removed from central zone but an All Weather Pitch would be recommended, supported by a Junior pitch and surrounding soft PE activities within an area of approx. 22,000m<sup>2</sup>. There are 4 grass pitches already established to the North and East of the site suitable for secondary curriculum and community use and a junior pitch to the South of the site at North Borough Junior School.

Approx. 29,800 to the secondary site [including double counting for all weather pitch] and 4000m<sup>2</sup> to the Primary site totalling **33,800m<sup>2</sup>**.

### Hard Outdoor PE – 2,780m<sup>2</sup>

Achievable: located adjacent to pitches in the form of MUGA's. The area can be increased by placement of further MUGA's to compensate the loss of soft PE. There is area within the site for 2 MUGA's to the Primary one and 2-3 to the Secondary zone. Approx. **6,400m<sup>2</sup>** MUGA area.

### Soft Informal and Social Area – 3,892m<sup>2</sup>

Achievable: located across the site through careful engagement with the end users and community.

### Hard Informal and Social Area – 1,720m<sup>2</sup>

Achievable: located across the site through careful engagement with the end users and community.

### Habitat – 660m<sup>2</sup>

Achievable: If the majority of the woodland is managed and maintained, this could provide opportunities for outdoor education, forest school and orienteering. There are further educational and biodiversity opportunities to introduce habitat and wildlife through ponds and sustainable drainage solutions [SuDS] within and around the perimeter of the site.

### Non net/Float – 8,052m<sup>2</sup>

Main access points to the site are only available from the north at present. There is opportunity for foot path access and service vehicles to the site but until further site investigations are undertaken this can only be reviewed at high level. An access road for drop off and parking is proposed to the East of the site, this will facilitate staff parking, drop off, visitor parking and potential community out of hours parking if the sports hall and outdoor facilities are available out of hours and holidays. Service and refuge can also be accessed from this point, there is also potential to retain the service road running to the North West of the site to service the soft sports pitches and primary school facilities.

### Total – 63,004m<sup>2</sup>

Where there is limited outdoor space available to pupils on a restricted site, consideration should be given to providing the following:

- firstly, hard informal and social area, including outdoor play area immediately accessible from early years classrooms;
- then hard outdoor PE space, ideally in the form of a multi-use games area;
- then soft informal and social area;
- finally soft outdoor PE area.

There is a large central woodland within the site boundary of approximately 16,000m<sup>2</sup>, which is most likely well established. This will likely result in significant ecological and biodiversity risk to the scheme if removed. There are opportunities to integrate a forest school and other outdoor education provision within this zone however, for the scheme to work to its full potential it is likely some trees will have to be removed to achieve a workable school site and BB103 areas.

### Parking

154 parking spaces and 6 Acc. spaces are currently achievable on the site. A secure, covered cycle store for 90 bicycles has been positioned to the front of the site. There is further potential to create parking to the West and East of the site if further spaces are required, this should be discussed with the local planning authority, Client, end users and Community.



# Maidstone All-Through School

Annex 1 – Proposed Modifications Issued to KCC 22/11/2022

Number	Policy/paragraph	Change proposed		
	LPRSP5(B) Invicta Barracks (1)	Housing completions are anticipated to commence 2027/8, <u>with infrastructure being delivered in accordance with the table below;</u>		
		<b>Phase</b>	<b>Development</b>	<b>Indicative Infrastructure Secured</b>
		1 (From 2027)	<ul style="list-style-type: none"> <li>c500 units</li> </ul>	<ul style="list-style-type: none"> <li>Mechanism agreed for comprehensive redevelopment of the wider Invicta Barracks to deliver 1,300 new homes,</li> <li><u>Provision of bare serviced and accessed land suitable in size, shape and condition for construction of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, the opening date of which is anticipated to be early within the development, this timing will be subject to continuing review of future educational need in Maidstone Borough and will be determined and evidenced by Kent County Council.</u></li> <li>Timescales and phasing for withdrawal confirmed with MoD;</li> <li>Ped/cycle connections to Town Centre</li> <li>Open Space complementary to new homes;</li> <li>Confirmation on re-provision of Hindu Temple;</li> <li>Strategy for re-use of Park House and surrounding parkland/woodland agreed;</li> <li>Biodiversity Plan agreed.</li> </ul>

		2 (From 2032)	<ul style="list-style-type: none"><li>• c1,000 total units</li></ul>	<ul style="list-style-type: none"><li>• Central parkland enhancement completed;</li><li>• A229 Junction improvements completed;</li><li>• Off-site highway mitigations completed</li><li>• New Local/ neighbourhood centre established;</li><li>• Bus diversion into the site;</li><li>• Open Space complementary to new homes.</li></ul>
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Number	Policy/paragraph	Change proposed		
		3 (By 2037)	<ul style="list-style-type: none"> <li>• Min 1,300 units total</li> <li>• Local Centre</li> <li>• New through school</li> </ul>	<ul style="list-style-type: none"> <li>• Open Space complementary to new homes;</li> <li>• N-S Bus route operational.</li> </ul>
	SP5(B) (3)	Ensuring requisite community facilities, which may include neighbourhood shopping and health facilities <del>in addition to a new through school</del> , are delivered where proven necessary and in conjunction with housing;		
	LPRSP5(B) (7)	Preservation of features of ecological importance, including the retention and enhancement of wildlife corridors, and ensuring that connection with ecological features and corridors outside the site is maintained/enhanced, <u>and securing a minimum 20% biodiversity net gain.</u>		
	LPRSP5(B) (9)	Preservation of Park House (Grade II*) and its setting, in particular the parkland to the north and east of Park House <del>to include removal of existing built development at 1-8 (consecutive) The Crescent to enhance/restore the parkland setting;</del> and		
	LPRSP5(B)	New Point <u>11: The SPD should have a focus on celebrating the military heritage and broader history of the site.</u>		
	LPRSP5(B)	New Point <u>12: Retention of a Hindu place of worship within the site will be required</u>		
	SP5(B)	New Point <u>13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, the opening date of which is anticipated to be early within the development, this timing will be subject to continuing review of future educational need in Maidstone Borough and will be determined and evidenced by Kent County Council.</u>		

## Annex 2

**From:** Mark Egerton <MarkEgerton@Maidstone.gov.uk>

**Sent:** 25 November 2022 14:25

**To:** Philip Coyne <PhilipCoyne@Maidstone.gov.uk>; Nicholas Abrahams - CY EPA <Nicholas.Abrahams@kent.gov.uk>; Helen Smith <HelenSmith@Maidstone.gov.uk>

**Cc:** Francesca Potter - GT GC <Francesca.Potter@kent.gov.uk>; Claire Pamberi - GT GC <Claire.Pamberi@kent.gov.uk>

**Subject:** RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hello Nick,

Further to Phil's email, following further negotiation with the promoter, we were able to reach a position which is hopefully reasonable for all parties. Please note that the text has been commended to the Inspector and it is for the Inspector to now decide whether it is appropriate to incorporate it (although I see no reason for this to be an issue for him).

The Main Modification submitted as a new point 13 of the Policy remains – "Provision of an 8FE all through school (2FE and 6FE secondary) on the wider Invicta Barracks site, subject to continuing review of future educational need in Maidstone Borough and an ongoing assessment of other sites in and around the town centre with the scope to accommodate some or all of the educational need."

In addition, new text has been inserted into Phase 1 within the Policy which states "Identifying the land for future educational needs and mechanism for transfer to KCC subject to need being established".

In addition, we have sought to shore up the position in diagrammatic form by way of an "Indicative Framework Masterplan". This diagram is attached and has now set aside the land for the school as part of the scheme (again, subject to the Inspector's agreement).

As I say, a compromise has been necessary and we accept that there unlikely to be other sites identified but this was a major issue for the MoD, but we very much hope that this will allow us to move forward.

Kind regards

Mark

**Mark Egerton**

Strategic Planning Manager

Strategic Planning

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ

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**From:** Philip Coyne <[PhilipCoyne@Maidstone.gov.uk](mailto:PhilipCoyne@Maidstone.gov.uk)>

**Sent:** 25 November 2022 08:21

**To:** [Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk); Helen Smith <[HelenSmith@Maidstone.gov.uk](mailto:HelenSmith@Maidstone.gov.uk)>

**Cc:** Mark Egerton <[MarkEgerton@Maidstone.gov.uk](mailto:MarkEgerton@Maidstone.gov.uk)>; [Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk);

[Claire.Pamberi@kent.gov.uk](mailto:Claire.Pamberi@kent.gov.uk)

**Subject:** RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Nick, thank you. We dealt with Invicta yesterday morning, so in the absence of confirmation, had to agree some words with the promoter and second guess what the Inspector would go with. We have also agreed with them that the school site is now in phase 1.

I do not have the final text on my laptop, Mark will forward this morning, but it is consistent with what we shared below, and the promoter is now in agreement and clear on the arrangement.

In order to provide KCC with additional certainty, we agreed with the promoter and jointly recommended to the Inspector, that in addition to the school site being included in phase 1, the key diagram, which sets out the land uses, will be added to the policy – so the land area will then be set in policy.

Mark will forward the text as said above and I would be grateful if you can confirm that you are happy with it. If not, I have a copies of the SoCG with Education removed and included in a separate one, as we really need the generic document signed now so that we can provide to the Inspector, and this issue has held it up all week – but obviously it is much easier if we can just have one.

I have tried to phone you several times, but if you wish to discuss, I will be on my mobile – [REDACTED]. I am in hearings this morning, but will get you back asap if I miss a call.

Regards.

Phil.

**From:** [Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk) <[Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk)>  
**Sent:** 24 November 2022 14:36  
**To:** Philip Coyne <[PhilipCoyne@Maidstone.gov.uk](mailto:PhilipCoyne@Maidstone.gov.uk)>; Helen Smith <[HelenSmith@Maidstone.gov.uk](mailto:HelenSmith@Maidstone.gov.uk)>  
**Cc:** Mark Egerton <[MarkEgerton@Maidstone.gov.uk](mailto:MarkEgerton@Maidstone.gov.uk)>; [Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk);  
[Claire.Pamberi@kent.gov.uk](mailto:Claire.Pamberi@kent.gov.uk)  
**Subject:** RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Phil

This is fine, we just need to incorporate the bullet below into this one so it's all still there and to make clear it's the land for the school that the development is responsible for and not the school's construction as outlined as one of the promoter's concerns last week, have done that in the attached.

Thanks,

Nick

**NICK ABRAHAMS** | Area Education Officer - West Kent | Kent County Council | Sessions House, County Hall, Maidstone ME14 1XQ | External: 03000410058 | [REDACTED] | [nicholas.abrahams@kent.gov.uk](mailto:nicholas.abrahams@kent.gov.uk) | [www.kent.gov.uk](http://www.kent.gov.uk)

PA: Emma O'Connor | External: 03000417147 | [Emma.O'Connor@kent.gov.uk](mailto:Emma.O'Connor@kent.gov.uk)

**From:** Philip Coyne <[PhilipCoyne@Maidstone.gov.uk](mailto:PhilipCoyne@Maidstone.gov.uk)>  
**Sent:** 22 November 2022 19:44  
**To:** Nicholas Abrahams - CY EPA <[Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk)>; Helen Smith <[HelenSmith@Maidstone.gov.uk](mailto:HelenSmith@Maidstone.gov.uk)>  
**Cc:** Mark Egerton <[MarkEgerton@Maidstone.gov.uk](mailto:MarkEgerton@Maidstone.gov.uk)>; Francesca Potter - GT GC <[Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk)>; Claire Pamberi - GT GC <[Claire.Pamberi@kent.gov.uk](mailto:Claire.Pamberi@kent.gov.uk)>  
**Subject:** RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Nick,

Have duplicated point 13 into phase 1 as requested, per attached. Can you confirm you are happy with this please as this is obviously getting urgent now and we need to sign the SoCG.



Kind regards

Phil

**From:** [Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk) <[Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk)>

**Sent:** 22 November 2022 17:09

**To:** Philip Coyne <[PhilipCoyne@Maidstone.gov.uk](mailto:PhilipCoyne@Maidstone.gov.uk)>; Helen Smith <[HelenSmith@Maidstone.gov.uk](mailto:HelenSmith@Maidstone.gov.uk)>

**Cc:** Mark Egerton <[MarkEgerton@Maidstone.gov.uk](mailto:MarkEgerton@Maidstone.gov.uk)>; [Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk);

[Claire.Pamberi@kent.gov.uk](mailto:Claire.Pamberi@kent.gov.uk)

**Subject:** RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Phil

Policy LPRSP5(B) has never been agreed by KCC with regards to Education, the words in italics below from my email this morning were our representations regarding it from December 2021, these raised strong concerns, these also included “*At present, KCC also raises concern that some of the proposed policies are not adequately robust to ensure the deliverability of the necessary infrastructure and mitigation measures.*”. KCC’s statements regarding the proposed mods have also been consistent with this.

In the Word doc from the original email in this chain outlining the proposed mods, the alterations and comments regarding New Point 13 have been accepted by MBC. Following our discussion last week we made those changes to provide clarity that there could be flexibility in the timing of the school’s delivery (albeit it should be planned for an early delivery) but not that there is any flexibility in whether a school is needed or not. New Point 13 as sent to us in yesterday’s 11:06 email reads:

*New Point 13: Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, the opening date of which is anticipated to be early within the development, this timing will be subject to continuing review of future educational need in Maidstone Borough and will be determined and evidenced by Kent County Council.*

As this has been accepted by MBC it’s unclear why the wording within the table cannot be consistent with this through the insertion of the word *timing*, as they both form part of proposed policy LPRSP5(B) Invicta Barracks, this would then read:

*Mechanism agreed for comprehensive redevelopment of the wider Invicta Barracks to deliver 1,300 new homes, including identification of land within the site masterplan for establishment of new all-through school, **timing** subject to confirmation of need.*

This approach would also be consistent with the policy wording for the secondary school at Lenham, which reads:

*Secondary school delivery and opening by 700 residential units, subject to ongoing review of timing by Kent County Council*

KCC isn't aware of any other options for this essential piece of infrastructure to be delivered on, we raised that as a concern in August when the main mod for New Point 13 read:

*Provision of an 8 FE all through school (2FE primary and 6FE secondary) on the wider Invicta Barracks site, subject to continuing review of future educational need in Maidstone Borough and an ongoing*

*assessment of other sites in and around the town centre with the scope to accommodate some or all of the educational need.*

The KCC statement was:

*The allocation of a secondary school site should not be subject to a further review, it should be considered an essential piece of infrastructure necessary to ensure growth is sustainable and the Plan should secure a suitable and deliverable site for the school. If the Borough Council holds doubt that the Invicta Barracks site is not considered to be suitable or capable of delivering a secondary school site at the appropriate time, then an alternative should be secured now. It is not considered appropriate for other sites to be assessed in parallel; the identification and assessment of suitable sites for infrastructure provision should be conducted prior to the Plan's submission and adoption and to the County Council's knowledge no assessment process has been established by the Borough Council.*

A new school is so essential to the sustainability of the Plan that it would be unreasonable for KCC to not seek to secure one. Is there a reason why MBC is seeking for the principle that a new school is needed to be reconfirmed at a later date? (albeit the accepted New Point 13 is contradictory to the proposed *subject to confirmation* in the table within the same policy). If that is for some reason essential then KCC could agree to a policy with future reconfirmation only if the mechanism and terms of that confirmation were appropriately set out in a way that removes the risk of the school site not being available when it is needed.

Thanks,

Nick

**NICK ABRAHAMS** | Area Education Officer - West Kent | 03000410058 | 07967467106 | [nicholas.abrahams@kent.gov.uk](mailto:nicholas.abrahams@kent.gov.uk) |

**From:** Philip Coyne <[PhilipCoyne@Maidstone.gov.uk](mailto:PhilipCoyne@Maidstone.gov.uk)>  
**Sent:** 22 November 2022 09:57  
**To:** Nicholas Abrahams - CY EPA <[Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk)>; Helen Smith <[HelenSmith@Maidstone.gov.uk](mailto:HelenSmith@Maidstone.gov.uk)>  
**Cc:** Mark Egerton <[MarkEgerton@Maidstone.gov.uk](mailto:MarkEgerton@Maidstone.gov.uk)>; Francesca Potter - GT GC <[Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk)>; Claire Pamberi - GT GC <[Claire.Pamberi@kent.gov.uk](mailto:Claire.Pamberi@kent.gov.uk)>  
**Subject:** RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Nick, we agreed a policy at submission. We could argue that the position at submission prevails but have not.

We are back in hearings today, so limited time.

What if we simply say that the need will be re-confirmed by the education authority as part of the process around identification and transfer of a site.

If we lose the Annington site we will have no school site in any event, unless you are aware of other options?

Happy to speak at lunchtime.

Phil.

**From:** [Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk) <[Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk)>  
**Sent:** 22 November 2022 09:50  
**To:** Philip Coyne <[PhilipCoyne@Maidstone.gov.uk](mailto:PhilipCoyne@Maidstone.gov.uk)>; Helen Smith <[HelenSmith@Maidstone.gov.uk](mailto:HelenSmith@Maidstone.gov.uk)>  
**Cc:** Mark Egerton <[MarkEgerton@Maidstone.gov.uk](mailto:MarkEgerton@Maidstone.gov.uk)>; [Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk); [Claire.Pamberi@kent.gov.uk](mailto:Claire.Pamberi@kent.gov.uk)  
**Subject:** RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Phil

I appreciate the dynamics between the LPA and an individual site promoter but this issue is fundamental to the sustainability of the whole Plan; it's critical that a new secondary school can be established to underpin the Plan. There will not be any capacity for additional secondary pupils arising from the plan without it; additional provision is currently being commissioned to meet a deficit in places from the existing population which is quite challenging to do. It's the largest forecast deficit in the county.

#### Secondary - Year 7 Surplus/Deficit Capacity if No Further Action is Taken

Planning Group name	2021-22 capacity	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)
Maidstone Non-Selective	1,560	-180	-135	-177	-194	-248	-250	-351

I appreciate the logic that having it subject to a future declaration of continuing need means in theory there shouldn't be an issue if there is a need, however that signals that there is a potential a new school may not be needed; whilst timings may alter, the scale of growth proposed means that KCC has been very clear that it will be needed and should be planned for. MBC can assign as much or as little weight to the views of the Local Education Authority as it deems appropriate but KCC cannot agree to wording that undermines its own analysis of a statutory function and secures less than we have been stating is required for over a year.

If the policy were to include a requirement for need to be confirmed it isn't clear which body would determine whether any confirmation was sufficient, valid and on what basis. The wording we're referring to is in the policy for an individual site allocation, in the context of that allocation alone a new secondary school is not required and the timing of a new secondary school will only be partly influenced by the build out of the barracks site. At what point does confirmation need to be confirmed if not now and who arbitrates if there is disagreement or protracted discussions, these would risk the sustainability of the plan. The promoters of the Barracks have made clear throughout that they are resistant to providing a school site; they engaged an education consultant who didn't disagree with KCC's analysis but questioned whether the barracks was the best site for the school given the need for it was likely to be before the site was available; their objection is a commercial one rather than planning. The statement of common ground between MBC and DIO states that DIO's outstanding matters include:

*a) Quantum of educational need and provision generated by the proposed circa 1,300 new homes, the proposed location of the education facility within the site and the requirement for a suitably flexible site allocation policy wording.*

There haven't been any changes in KCC's position since submission. It has been entirely consistent about the importance of a secondary school to sustainable growth and the necessity for the school site to be appropriately secured in policy, below is from KCC's Reg 19 response in 2021:

*Secondary Education: There are not expected to be any surplus secondary school places in existing schools in the borough to mitigate the increased demand generated by housing growth in the*

*Plan, so it is therefore imperative that the Plan is supported by additional school places. The spatial distribution of the Plan means that a new secondary school is required at Heathlands. That*

*school's capacity would be fully absorbed by pupils from the proposed garden settlement, so it is therefore necessary for additional provision to be provided in addition to a new school at*

*Heathlands. The ability for existing schools to expand sufficiently to accommodate the need from the Plan is minimal and the establishment of a new secondary school to act as a strategic piece of*

*infrastructure is required for the Plan to be sustainable. The County Council views the geographic location of Invicta Barracks to be acceptable in broad terms, however it is concerned with regards*

*to the deliverability of this essential piece of infrastructure. It is currently understood (as of December 2021) that the Barracks is expected to continue as an operational Defence Asset until 2029 and*

*it is reasonable to assume that the earliest point a secondary school could be established on this site is 2031; although that remains within the Plan Period this may not be early enough. Depending*

*on the pace of developments within the Plan, the need for establishment of the school could be prior to 2031.*

*The establishment of a new secondary school to support growth at Heathlands will be necessary, as well as the establishment of a new secondary school within the Maidstone area. It is noted that*

*the Infrastructure Delivery Plan (IDP) supports this at Invicta Barracks, although the wording of Policy LPRSP5(B) is not definitive regarding the need for a school (see comments below on policy*

*LPRSP5(B)). The County Council holds concern that, without security that the site for establishment of this school is available at the time that it is needed, there could be insufficient school places*

*for secondary aged children in the borough.*

Thanks,

Nick

**NICK ABRAHAMS** | Area Education Officer - West Kent | Kent County Council | Sessions House, County Hall, Maidstone ME14 1XQ | External: 03000410058 | [REDACTED] | [nicholas.abrahams@kent.gov.uk](mailto:nicholas.abrahams@kent.gov.uk) | [www.kent.gov.uk](http://www.kent.gov.uk)

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**From:** Philip Coyne <[PhilipCoyne@Maidstone.gov.uk](mailto:PhilipCoyne@Maidstone.gov.uk)>

**Sent:** 21 November 2022 15:01

**To:** Nicholas Abrahams - CY EPA <[Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk)>; Helen Smith <[HelenSmith@Maidstone.gov.uk](mailto:HelenSmith@Maidstone.gov.uk)>

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**Subject:** RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Nick, I hope you would agree that we have been fairly accommodating in respect of these significant changes in position since submission. We also discussed the need to keep the site promoters on side when we met on Friday, and the **very real** possibility that the DIO could actually choose to drop the Annington site and just promote their own site (they have talked about this on a number of occasions).

We are already going to need difficult conversations with them in relation to the changes to the policy, which they do not really support, and not to leave it subject to confirmation will exacerbate this. There is then a very big chance we throw the proverbial baby out along with its bath water – what about if we say ‘re-confirmation’.

If the numbers are there then surely this is not an issue?

Phil.

**From:** [Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk) <[Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk)>  
**Sent:** 21 November 2022 14:08  
**To:** Helen Smith <[HelenSmith@Maidstone.gov.uk](mailto:HelenSmith@Maidstone.gov.uk)>  
**Cc:** Philip Coyne <[PhilipCoyne@Maidstone.gov.uk](mailto:PhilipCoyne@Maidstone.gov.uk)>; Mark Egerton <[MarkEgerton@Maidstone.gov.uk](mailto:MarkEgerton@Maidstone.gov.uk)>; [Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk); [Claire.Pamberi@kent.gov.uk](mailto:Claire.Pamberi@kent.gov.uk)  
**Subject:** RE: Proposed modifications - LPRSP5(b) - Invicta Barracks

Hi Helen

Am I correct in saying the only amendment MBC has made to this version is introduction of '*subject to confirmation of need.*' ?

KCC cannot support this. The need for a new school has been confirmed, it should be viewed as an essential piece of strategic infrastructure needed to support the Local Plan, the need is almost entirely independent of the Invicta Barracks site, the only thing that is subject to any variation would be the appropriate timing rather than the principle.

Thanks,

Nick

**NICK ABRAHAMS** | Area Education Officer - West Kent | Kent County Council | Sessions House, County Hall, Maidstone ME14 1XQ | External: 03000410058 [REDACTED] | [nicholas.abrahams@kent.gov.uk](mailto:nicholas.abrahams@kent.gov.uk) | [www.kent.gov.uk](http://www.kent.gov.uk)

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**From:** Helen Smith <[HelenSmith@Maidstone.gov.uk](mailto:HelenSmith@Maidstone.gov.uk)>  
**Sent:** 21 November 2022 11:06  
**To:** Nicholas Abrahams - CY EPA <[Nicholas.Abrahams@kent.gov.uk](mailto:Nicholas.Abrahams@kent.gov.uk)>  
**Cc:** Philip Coyne <[PhilipCoyne@Maidstone.gov.uk](mailto:PhilipCoyne@Maidstone.gov.uk)>; Mark Egerton <[MarkEgerton@Maidstone.gov.uk](mailto:MarkEgerton@Maidstone.gov.uk)>  
**Subject:** Proposed modifications - LPRSP5(b) - Invicta Barracks

Dear All,

Ahead of the hearing session later this week, please find attached the proposed modifications to the wording of LPR policy LPRSP5(B) – Invicta Barracks, regarding the provision of land for educational purposes.

Kind regards,

Helen

**Helen Smith**

Principal Planner (Strategic Planning)

Maidstone Borough Council, King Street, Maidstone, Kent ME15 6JQ

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## **NOTE Regarding Kent Response re: Invicta Park Barracks and Secondary School**

Second Draft: 27<sup>th</sup> April 2023



## Introduction

This note is drafted in response to the Kent County Council written statement to the Examination Stage of the Maidstone Borough Council Local Plan Review dated 8<sup>th</sup> March 2023.

In the first instance it is relevant to consider the relevant education legislation and how it impacts on provision.

## Legal Background

### The Education Act

1 The primary Act is the Education Act 1996, which is: (a) a consolidating Act and (b) an Act amended from time to time by subsequent legislation. Unless otherwise indicated in this paper, all references are to the Education Act 1996 (as amended) – (“EA96”)

2 EA96 (at section 14(1)) states,

*“A local education authority shall secure that sufficient schools for providing – (a) primary education and (b) secondary education .... are available for their area”.*

3 Sections 14(2) to 14(6) go on to explain what is meant by sufficient schools and that it includes implicitly that the requirement is for sufficient school places.

4 Section 14(1) derives directly from s5 Education Act 1870 via s17 Education Act 1921 and s8 Education Act 1944. There have been no material changes over time, merely consolidating legislation, further clarification of the meaning of ‘for their area’, changes to school leaving ages and changes to terminology from time to time. It is thus a very longstanding target duty for the ‘local education authority’ (now Education and Children’s Services Authority) the County Council as successor to the local school boards. In fact, Section 5 of the 1870 Act summarises the position in the most succinct fashion.

*“There shall be provided for every school district a sufficient amount of accommodation in public elementary schools (as herein-after defined) available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made, and where*



*there is an insufficient amount of such accommodation, in this Act referred to as 'public school accommodation,' the deficiency shall be supplied in manner provided by this Act”.*

5 It is to be noted that the duty given to the County Council is to ‘secure sufficient schools’. There is no duty to provide schools. The default position for new schools is that they are Academies or Free Schools. These are independent schools directly funded from the Government. That is the Secretary of State via the Education and Skills Funding Agency which is an executive agency funded by the Department for Education DfE).

6 Section 11 EA96 sets out the Secretary of State’s duty in respect of primary, secondary and further education.

*(1) The Secretary of State shall exercise his powers in respect of those bodies in respect of public funds which*

*(a) carry responsibility for securing that the required provision for primary, secondary or further education is made –*

*(i) in schools, or*

*(ii) in institutions within the further education sector*

7 In summary, where a shortfall in school places is identified by the County Council in its annual School Capacity (SCAP) Return to the DfE, that is not covered by an alternative third-party funding route (e.g. section 106 and/or CIL funding) the Secretary of State provides funding via a mechanism called Basic Need.

8 Completing the Basic Need return to the DfE guidance is quite clear. Any shortfall that is identified includes the child population of new housing when s106 and/or CIL is absent or insufficient to cover the provision.

*The pupil forecasts you submit in SCAP should only include expected yields from housing developments that have a high probability of being delivered within the timeframe of the forecasts. In most cases such developments will have full planning permission. If you believe a development that does not have full planning permission will proceed and will yield pupils within the forecast’s timeframe, we expect that development to be present in the relevant planning authority’s latest 5-year land supply. Wherever this is the case we may test the suitability of inclusion of such housing developments in SCAP forecasts by*



*reviewing evidence on the site’s deliverability and assessing delivery against previous 5 year land supply plans in the relevant planning authority.*

### The Maidstone Secondary School Pupil Forecasts

- 9 Prior to 2018, the County Council SCAP returns aggregated the Maidstone secondary schools into a single return. From 2018, the non-selective schools are reported separately from the grammar schools.
- 10 For 2017, for example, there were 11 schools listed with a capacity 12,919 places. In September 2020 a twelfth school, the School of Science and Technology, opened on New Cut Road. The school has a pupil admission number of 180 and is admitting into Year 7 year on year. Thus, capacity on this basis is 13,819 places plus any sixth form provision at the new school in the future.
- 11 The 2017 SCAP forecast anticipated pupil numbers rising from actual 11,733 in 2016/2017 to 14,414 pupils in 2023/2024. Indicating a shortfall of 595 places.
- 12 The 2018 SCAP forecast when non-selective and grammar schools aggregated as per 2017 anticipated pupil numbers rising from actual 11,813 pupils to 16,019 pupils for 2024/2025. Indicating a shortfall of 2,200 pupil places.
- 13 The latest SCAP return, by the County Council in respect of Maidstone that has been scrutinised and published by the DfE, is derived from the actual pupil numbers in its non-selective secondary schools and separately for its selective (grammar) schools both for 2021/2022. The forecasts cover the period through to the school year 2028/2029.

Year	Non- Selective		Selective		Total
	Year 7	Total	Year 7	Total	
2021/22	1454	7842	783	5359	13,201
2022/23	1632	8435	790	5455	13,890
2023/24	1710	8935	818	5530	14,465
2024/25	1665	9316	809	5584	14,900
2025/26	1707	9647	814	5602	15,249
2026/27	1724	9970	815	5596	15,566
2027/28	1778	10214	841	5636	15,850
2028/29	1780	10402	842	5691	16,093
<b>Change</b>	<b>+326</b>	<b>+2560</b>	<b>+59</b>	<b>+332</b>	



- 14 By way of comparison, the three SCAP forecasts mentioned above (there were no forecasts required during the pandemic) show that the actual figure is below that forecast and thus the forecasts are not certain.

Year	2017 forecast	2018 forecast	2022 forecast
2016/17	11733 actual		
2017/18	12026	11813 actual	
2018/19	12305	12332	
2019/20	12660	12905	
2020/21	13057	13511	
2021/22	13472	14111	13,201 actual
2022/23	13932	14752	13,890
2023/24	14414	15481	14,465
2024/25		16019	14,900
2025/26			15,249
2026/27			15,566
2027/28			15,850
2028/29			16,093

- 15 The County Council identifies, in the DfE published SCAP return, that for the period 2021/2022 any developer contribution via s106/CIL is 'not applicable'. For the period through to 2028/2029 there is zero developer contribution to cover the impact of the rising pupil numbers and consequent shortfall in secondary school pupil places.
- 16 The conclusion to be drawn from this is that the forecast rising pupil numbers are as a result simple demographic change, no request for developer contributions from new housing and/or new housing where viability precludes developer contribution to mitigate its impact.
- 17 Thus, the forecast shortfall in places will be covered by the Basic Need allocations in the relevant period.

### Sites for New Schools

- 18 Historically sites for schools were gifted by landowners, in Victorian times, under the School Sites Act 1841 (as amended). Depending upon the status of a proposed new school, different statutory provisions apply. Currently the default position is that all new schools are Academies/Free Schools and the Academies Act 2010 deals with land for academies. (Schedule 1 Academies: Land) The 2010 Act deals



with schemes where the land in question is held by the Local Authority or a School Governing Body, Foundation Body or Trustees.

- 19 Where no such land exists, the matter is dealt with by LocatED. Its website says:  
*“LocatED is an Arms-Length Body to the Department for Education. It is responsible for buying and developing sites in England to help deliver much needed new school places for thousands of children. Specialist in-house teams provide property expertise to education bodies, local authorities and central government departments to support the provision of education in an efficient school estate.”*
- 20 There are circumstances where landowners continue to provide land for schools. In particular new housing developments, where the scale of development is sufficient to warrant a school in its own right as a mitigation of the impact of the development. Sometimes, where developments in consort are sufficient to warrant a new school, equalisation arrangements either by joint action by the developers or co-ordinated by the Local Authority provide for the provider of the land to be compensated proportionately by the others so that equity prevails.
- 21 This is recognised by the County Council in its Developer Guide. 4.1.3.  
*Where infrastructure is needed to serve more than one development<sup>9</sup>, the land element may be provided by one developer on their site, with other developers making a capital contribution towards it. Developers will need to work together to agree a proportionate approach to their contribution. Each development will be considered on a site-by-site basis.<sup>9</sup> For example, where several sites have been grouped together under one strategic allocation within the local plan.*

#### **KCC Document Matter 6 from paragraph 9.9.6**

- 22 At paragraphs 9.9.6 and 9.9.7 the County Council asserts the commissioning need to establish a new secondary school within Maidstone from 2027 to 2030. It ignores that it is the Regional Commissioner not the County Council that commissions new Academies/Free Schools though it is the County Council, amongst others, that can trigger the process.



- 23 At paragraph 9.9.10 the County Council criticises the Inspector’s letter of 11<sup>th</sup> January 2023 at Paragraph 5.31 where it considers the proposed policy for Invicta Park Barracks (Policy LPRSP5(b)) but this criticism is without foundation.
- 24 The Invicta Park Barracks site has the potential for circa 1,300 new homes which is not sufficient to warrant a secondary school which the County Council anticipates is circa 5,000 new family homes that justifies an 1,100-place school, the average size of a Maidstone secondary school in January 2022.
- 25 Thus the Inspector is correct to conclude at 9.9.8.
- The capacity of the wider site is also affected by the potential to deliver a new through-school including additional secondary school capacity to potentially support this site but mainly for the benefit of other development in the town.*
- 26 Because a secondary school at Invicta Barracks would in the main serve other areas, in accordance with the County Council’s own guidance, the site would have to be acquired. This, either by the County Council on behalf of other developments or by LocatED for an Academy/Free School if to serve demographic growth or a Free School agenda. For this reason alone, the value of the land has to be determined. Part III Land Compensation Act 1961 requires the LPA to certify the alternative use. This is delivered by the Inspector’s second paragraph at 9.9.8.
- 27 The County Council is wrong at its Paragraph 9.9.10. As with all forecasts they are not very good at identifying future need with any degree of certainty. Paragraph 14 (above) makes this plain in respect of forecasting secondary school pupil numbers in Maidstone.
- 28 The County Council asserts at its 9.9.13 that the secondary school for Maidstone may need to open by 2027. That is September 2027, fully fitted out and operational. To achieve this, the school would need to be practically complete by June 2027 which would require a process starting four years earlier.
- 29 Not only is this timeframe difficult, but the Invicta Barracks are also not due to be vacated and available for redevelopment until 2029.
- 30 The County Council’s proposal at 9.9.17 is unachievable and thus cannot be adopted.
- 31 The Borough’s proposed modification at 9.9.14 is a reasonable proposal. Bearing mind that any site needs to be purchased at its market value.

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## Growth, Environment & Transport

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### BY EMAIL ONLY

31 October 2023

Dear Sir / Madam

### Re: Medway Council Local Plan 2022-2040 – Setting the direction for Medway 2040 – Regulation 18 consultation

Thank you for inviting Kent County Council (herby referred to as the 'County Council') to comment on the Medway Council Local Plan – Setting the direction for Medway 2040.

The County Council welcomes the commitment to prepare a new Local Plan. The County Council seeks to work in partnership with Medway Council to ensure the delivery of well designed, sustainable growth – supported by the necessary infrastructure that is planned for and delivered in a timely manner.

The County Council is supportive of the Strategic Objectives identified which focuses on the delivery of sustainable, resilient and healthy communities and economy in Medway.

It is recognised that this is an early-stage consultation and Medway Council is currently progressing an evidence base to inform the Local Plan. The County Council would welcome continued discussions on any cross boundary and strategic matters as the evidence base is developed.

The County Council recognises the significant housing requirement for Medway, and the ongoing consideration of whether there is capacity to provide an additional 2,000 homes to help to meet Gravesham's housing need.

The County Council notes that four broad categories of locations where development could take place have been identified within this consultation document. The County Council would urge that for categories that are likely to have cross boundary impacts, engagement takes place at this early stage to address these impacts and ensure adequate mitigation and infrastructure can be secured to ensure that growth in these locations is sustainable.

Identified growth forecast in Medway will have an impact on key services provided in Kent, especially in areas close to neighbouring boundaries. The County Council will continue to work with Medway Council to ensure that, as growth options are developed, a clear strategy to deliver the necessary infrastructure is in place to ensure that development is sustainable.

The County Council recognises the need for Medway Council to consider the potential impacts of the proposed Lower Thames Crossing. The County Council would encourage Medway Council to engage in the ongoing Examination of this Nationally Significant Infrastructure Project.

The County Council has reviewed the consultation document and sets out its comments below.

### **Highways and Transportation**

The County Council, as Local Highway Authority for Kent, notes that this consultation document provides a useful summary of the issues and challenges facing Medway in developing a Local Plan.

In respect of transport, the Local Highway Authority for Kent, supports the aim to reduce car dependency to create safe, connected and sustainable places. It also understands the need to encourage economic development to enable people to live and work in Medway, as well as the need to secure investment in transport and green infrastructure.

The Vision for 2040, as set out in Section 3, is clearly defined and the ongoing work whereby all potential development sites are being assessed for their ability to deliver sustainable development, will contribute to the necessary evidence-based plan making process. Given the constraints in the transport network surrounding Medway, and the opportunities offered to create sustainable developments building on the existing network of footways, cycleways and public transport services - the County Council, as Local Highway Authority for Kent, considers an urban regeneration focused development strategy could offer the best opportunity to meet the vision. The County Council appreciates the Local Plan will also likely need to contain a mix of other sites in suburban and rural areas. The County Council looks forward to further close working with Medway Council as the plan is progressed, including scenario testing and identification of potential impacts and mitigations utilising the Kent Transport Model. Particularly in areas along the A2 corridor, along which further growth is proposed.

In this respect, the County Council as Local Highway Authority for Kent, wishes to highlight the importance of the existing strategic transport corridors connecting into Medway within the Kent boundary that experience congestion and air quality issues. There is particular interest where the proposed development areas are likely to materially impact on the transport corridors and the operation of the associated local highway network.

### **Public Rights of Way**

The County Council, in respect of Public Rights of Way (PRoW), has a statutory duty to protect and improve PRoW in the County and is therefore committed to working in partnership with Medway Council to achieve the aims contained within the County Council Rights of Way Improvement Plan and the Medway Rights of Way Improvement Plan. The partnership aims to provide a high-quality PRoW network, which will support the Kent and Medway economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent and Medway a great place to live, work and visit.

In respect of the Vision for Medway in 2040, the reference to “*improved travel choices*” is welcomed and the County Council would take the opportunity to suggest links to the Kent networks should be included. There is an increasing need for Active Travel cross-border routes due to development both in Medway and neighbouring Kent districts/boroughs.

The County Council would welcome partnership working and investment in cross border routes. This applies to routes which have the potential to bring economic and tourism benefits to the area such as the new National Trail, the King Charles III Coast Path, promoted routes and green spaces.

### **Education**

The County Council, as Local Education Authority for Kent, has considered the location of the proposed new development areas in relation to their proximity and potential impact on existing state-maintained schools that might be affected. Four districts/boroughs share an administrative boundary with Medway: Gravesham, Tonbridge and Malling, Maidstone and Swale.

The County Council recognises that Medway Council intends to provide new schools for any new development. The County Council supports this and would request that each development provides the necessary funding and infrastructure to mitigate the impact of growth. For all four Kent districts/boroughs which border Medway, there are County Council schools that are close to the border and it is understood that there will be students that cross the border to attend these schools. Similarly, there will be Kent children who travel into Medway to attend a school. However, it is important to note that the Kent schools near the borders are virtually full and will not have capacity to accommodate any new children generated from new Medway development. Therefore, if any of these schools need to pick up the additional growth

proposed, the County Council would ask that discussions take place to ensure that the growth can be properly accommodated, with the appropriate level of funding.

It should be recognised that the four mentioned districts/boroughs which border Medway are currently progressing new Local Plans. The County Council will be analysing the housing that is proposed through these local plans and will likely need to consider additional new provision. The County Council would therefore welcome continued engagement with Medway Council to ensure adequate level of provision of this infrastructure to support communities in Kent and Medway.

### **Minerals and Waste**

The County Council, as Minerals and Waste Planning Authority for Kent, notes that Medway has a significant waste management capacity, mineral importation and transportation infrastructure. These should be subject to safeguarding to maintain their viability and effectiveness. It appears that the waste management capacity at the industrial Chatham Docks site is possibly at risk of being lost if this area is allocated for non-waste development. This should be given due consideration and the County Council would ask that the net waste management self-sufficiency could be included within the vision for Medway. If capacity is lost, this should be proximately replaced to ensure growth is sustainable in Medway.

### **Sustainable Urban Drainage Systems**

The County Council, as Lead Local Flood Authority for Kent, supports Medway Council's aspiration to reduce the risk of flooding through preparations of a sustainable and green future by securing a robust green and blue infrastructure network. The County Council would recommend that the Local Plan should be robust in its requirements with regards to defining acceptable operational characteristics of surface water systems and would draw reference to paragraphs 159-169 of the National Planning Policy Framework regarding planning and flood risk.

### **Heritage Conservation**

Medway's historic environment has played a significant role in forming the character of the unitary authority today, as well as having potential as a contributor to the success of the area in the future. Medway has a wide range of heritage assets, many of which are of international importance. These include 76 scheduled monuments, almost 650 Listed Buildings and 3 Registered Parks and Gardens. There are many more heritage assets that contribute to character at a local level. These include more than 30 historic parks and gardens as well as historic landscape features, historic buildings and archaeological sites. Indeed, the Kent Historic Environment Record lists more than 4,600 non-designated heritage sites in Medway. These assets are to be found across the unitary authority. Highlights include Rochester with its important Roman, Saxon and Medieval remains, Chatham, with its internationally important Royal Dockyard and associated fortifications, Gillingham which has Saxon origins and the Thames Estuary fortifications located on the Hoo peninsula and Isle of Grain. Within the rural areas of Medway, the historic environment is similarly important:

important Palaeolithic remains are present at Cuxton and elsewhere along the former courses of the river Medway, and the marshes and intertidal zone are important for later prehistoric remains. The rural areas are particularly important for military and industrial survivals as well as the pattern of historic villages and lanes. Many of these sites are of national significance but currently not designated. For new growth and development to successfully integrate with the historic environment of the area, it will need to work with the grain of this existing character and, if possible, enhance it.

The County Council considers that the need to regenerate and develop Medway in a way that is sympathetic to its past should be a consideration through the Local Plan process. At present, Rochester is a visibly historic city with many high-quality buildings and an attractive streetscape. Chatham has the areas, primarily associated with the river frontage, - the Dockyard and historic fortifications which are similarly attractive. . In Gillingham, by contrast, historic features are less common and less visible, yet Gillingham is a historic settlement dating to perhaps Anglo-Saxon times. The river frontage contains numerous heritage assets and has great potential for heritage-led leisure and tourism. The County Council recommends that the Local Plan should seek to ensure that the heritage assets of all of Medway are used to their maximum advantage so that regeneration can be successful and durable.

The County Council would also recommend that it would be helpful if the Local Plan could identify ways in which the heritage of the area could actively contribute to life in Medway. On the Hoo Peninsula alone, Cockham Wood Fort, Grain and Slough Forts, the Second World War Stop Line and the coastal and maritime heritage all have the potential to become foci of community activity in the form of heritage walks and community projects.

The County Council would draw attention to a number of key studies and resources that could inform consideration and use of Medway's historic environment:

- [Kent Historic Environment Record](#), a database of archaeological sites, historic buildings and landscape features in Kent and Medway.
- The outputs of the [Hoo Peninsula Historic Landscape Project](#) – a major project carried out by Historic England from 2009 – 2012 that examined all aspects of the peninsula's heritage.
- [Historic town survey reports for Chatham, Rochester and Gillingham \(2004\)](#). These reviewed the known archaeological and built heritage of the three towns and identified Urban Archaeological Zones of sensitivity.
- [Kent Farmsteads Guidance \(2012\)](#) for developers and planners considering development in the countryside.
- [Kent Historic Landscape Characterisation \(2001\)](#).
- [Kent Gardens Trust survey reports](#) for gardens and green spaces in Medway.

It is important that appropriate policies for the protection and enhancement of Medway's heritage are included in the Local Plan. The County Council would encourage consideration of the full range of heritage types including:

- Archaeology, including non-designated heritage assets
- Built heritage, including non-listed buildings, listed Buildings and Conservation Areas
- Historic landscapes, including historic parks and open spaces
- Local Heritage Assets, perhaps including a commitment to the development of a Local List.

The County Council, in respect of heritage conservation matters, has provided detailed comments on the consultation document in Appendix 1.

### **Biodiversity**

The County Council draws attention to the need to consider Biodiversity Net Gain and the emerging Local Nature Recovery Strategy. There is a need to ensure that allocated sites will not result in the loss / impact on habitat connectivity. The County Council would also recommend that the Local Plan should be looking to protect areas which are important for species/habitat connectivity.

The County Council would also draw attention to the need to ensure that sufficient ecological information is available to ensure the impact of development can be fully understood and considered accordingly.

Whilst the consultation does not have a specific section which relates to the Environment, the County Council does note the objective within the Plan to prepare for a sustainable and green future. The County Council would recommend that as well as consideration of climate change, sustainable transport, robust green and blue infrastructure and the effective management of natural resources, there should be a stronger consideration of environmental goals. The Local Plan should include a detailed consideration of the environment, encompassing the natural and built environment, including heritage.

### **Wharves**

The County Council also notes that development is proposed along the Chatham Docks and Rochester Riverside in Medway. The County Council is concerned that the closure of some of the deep-water wharfs could lead to increase pressure on the current working docks in Kent, for example Riddock Dock and Sheerness. The County Council would ask that protection for these facilities is considered to limit the pressure on other ports in the area.

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The County Council recognises the importance of the Local Plan in developing a growth strategy that responds to the strategic objectives and the vision for Medway. Joint working between the County Council and Medway Council, working in collaboration to understand and address cross boundary matters, should continue throughout the Local Plan process and delivery of good growth.

The County Council would therefore welcome continued engagement as the Local Plan progresses and will continue to work closely with Medway Council to support the delivery of new sustainable housing, employment and required infrastructure in response to local needs.

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

Yours faithfully



**Simon Jones**

Corporate Director – Growth, Environment and Transport

Encs:

[Appendix 1](#): Kent County Council Heritage Conservation detailed commentary.

## **Appendix 1: Kent County Council Heritage Conservation detailed commentary.**

### **3.1 Vision for Medway**

The references to Medway's historic environment are rather inconsistent in the current text. When the Vision is eventually defined, it would be better to include a firm overall commitment to protecting and enhancing Medway's heritage to which additional mention can be made as needed in other sections. This will help ensure that preserving a high-quality historic environment is regarded as a key goal for the Vision for Medway in its own right, rather than just being an adjunct to other goals.

*By 2040, Medway is responding and adapting to climate change, providing for more sustainable and resilient development.*

Climate change will also provide a major challenge for the management of Medway's heritage. Many of Medway's heritage assets are coastal and are directly threatened by rising sea levels. Examples include the prehistoric, Roman and medieval salterns of the marshes of the Hoo Peninsula, Roman pottery-making sites visible in the foreshore and the fortifications of Grain, Cockham Wood Fort, Slough Fort, Hoo and Darnet Forts and the Historic Dockyard. Changing moisture levels in the soil will impact on archaeological remains which are susceptible to drying, wetting and erosion and historic buildings will be challenged by increased wind and storms. It would be helpful if Medway Council could include a survey of Medway's heritage in its action plans and the likely impact of climate change so that management can be identify both risk and any necessary actions.

The County Council agrees with the goal "*Medway has secured the best of its intrinsic heritage and landscapes alongside high quality development to strengthen the area's distinctive character... Important wildlife and heritage assets are protected and enhanced.*" Key to this will be ensuring that the Medway Heritage Strategy is fully integrated into relevant decision-making, design and master planning for development proposals as well as blue and green infrastructure projects.

### **4. Strategic Objectives**

The County Council considers that it is unusual that there is no strategic objective that relates to Medway's environment. The environment is central to whether Medway is a good place to live in and visit, with clear consequences for health and wellbeing, economic dynamism and quality of design. The County Council recommend that a specific objective be included that includes securing Medway's high-quality environment for future generations, in all its forms including the historic environment.

Proposed objective: *Prepared for a sustainable and green future*

The historic environment has a significant role to play in the conservation of resources required for development, and in energy efficiency. Old buildings can often be more energy efficient than newer ones and of course have already been built.



Thus, it may take fewer overall resources to adapt an old building than to demolish it and build a completely new one. Historic England has produced a range of guidance on the role that heritage can play in mitigating climate change and historic building adaptation ([Climate Change Adaptation Report](#) (Historic England, 2016)). The guidance demonstrates that historic structures, settlements and landscapes can in fact be more resilient in the face of climate change, and more energy efficient than more modern structures and settlements. This has also been updated in the Historic England report [There's no Place Like Old Homes: re-use and Recycle to Reduce Carbon](#) (Historic England 2019). This could be highlighted in the text which, at present rather suggests that the brunt of making housing energy efficient must only be borne by new buildings.

Using historic routeways also allows Green infrastructure (GI) designers to incorporate heritage assets to provide features of interest. In turn this will help people accessing the GI to become more aware of and value Medway's heritage which will in turn assist their conservation and re-use. For example, the Hoo area has links to internationally important fortifications at Grain. If the GI were to feature these it would help raise their profile to assist with conservation whilst diminishing the attractiveness of the sites for anti-social activity. GI can also be used to support tourism in Medway by linking historic sites and landscapes such as the Chatham Lines, Rochester Castle and Cathedral and the historic explosives works of the Hoo Peninsula.

To fully appreciate the Medway's landscape character and incorporate it into GI effectively, it is first important to understand it. The main method for investigation historic landscape character is by historic landscape characterisation. This is a method of assessing the pattern of tracks, lanes, field boundaries and other features that comprise the historic character of the modern landscape. This has been completed for the [Hoo Peninsula](#) and the County Council would urge Medway Council to draw on the research to identify connectivity between the heritage assets of the area.

GI also makes an important contribution to health. Historic England has released research that demonstrates how heritage actively supports health and well-being through contributing to a generally more attractive environment, allowing activities that encourage participation and inclusion and by encouraging outdoors activities. [Wellbeing and the Historic Environment | Historic England](#)

## **5. Developing a Spatial Strategy**

The County Council has submitted detailed appraisals of the strategic sites mentioned in Chapter 5 previously. All will need to be subject to fully detailed appraisal to inform development proposals and master planning. The potential for the main sites is, however, summarised below.

## ***Urban Regeneration***

Although brownfield sites may be attractive for development for various reasons, they can nonetheless contain significant heritage assets. Medway has an important industrial past with early examples of chalk pits, factories and infrastructure related to the cement and other industries. These contribute significantly to the area's historic character and can be used in master planning new developments to help new build be better integrated into the existing landscape. Similarly, many such sites, especially quarries, will contain deposits of archaeological significance. Medway is important for Palaeolithic archaeology (c. 800,000 BC to 10,000 BC) and sensitive deposits may well survive beneath the floors, and in the edges of quarries. Riverside brownfield sites may well contain archaeological remains associated with the former river frontage. To establish the archaeological potential of brownfield sites it will be necessary to carry out detailed assessments in the form of desk-based assessment and, if appropriate, fieldwork.

To ensure that new development on brownfield sites is fully integrated into the existing character of Medway's historic towns, it will also be important to ensure that Conservation Area appraisals are completed for all Conservation Areas. This should also be a recommendation in any action plan.

The Local Plan will also need to ensure that Medway's historic river frontages are conserved and enhanced during urban regeneration schemes. It is easy for historic features to be sacrificed during revetment refurbishments and the construction of new promenades etc, but it is these that give the frontages their character. Full, detailed assessment of river frontages will be needed to inform scheme designs.

## ***Suburban Expansion***

### *Grange*

The development area lies in a region of considerable archaeological potential, primarily from the Roman period onwards. At Grange Manor prehistoric features and over 20 Roman structures were excavated including a temple or mausoleum, workshops and roads. Early medieval evidence was also found and Grange/Grench Manor includes the remains of a 13<sup>th</sup> century medieval manor house complex. Close to (or possibly within) the development area the remains of two 19<sup>th</sup> century infantry redoubts also survive. These experimental sites marked important stages in the development of defensive sites.

### *Lower Rainham*

The development area has archaeological potential associated with its position close to the river Medway, where a number of past archaeological discoveries have been recorded. These include Romano-British pottery vessels found close to Lower Rainham Road, and probably originally deposited in association with a burial. Other finds from the area include a 5<sup>th</sup> century AD gold Merovingian coin and large numbers of flint tools including Palaeolithic hand-axes.

### *Rainham*

The Rainham development area has been relatively little studied, and few heritage assets are known from within the area itself. Nevertheless, the general potential of this part of Medway is significant and includes important Roman remains to the north and at Hartlip. Roman Watling Street also passes through the development area. There are also a number of historic farmsteads and listed buildings.

### *Capstone*

There has been little formal investigation of the development area. A number of Palaeolithic implements have been discovered in the Darland area. A Bronze Age barrow may have existed at Sharstead Farm. Romano-British burials have been reported from Hale Farm and Gransden's Brickfield, although there is little further information about these. Their locations suggest that a Roman routeway may have existed in this area. A possible pre-18<sup>th</sup> century chapel has been identified near Capstone. Fort Darland, built as part of the Chatham ring-fortress in 1899, is located to the north of the area. Although now demolished, earthworks associated with the fort remain and these and their setting could be affected by development in the area.

### *Wigmore*

This small development area lies in an area of more limited archaeological potential. The remains of a medieval chapel are located immediately south of Hempstead Valley Shopping Centre. A Second World War decoy site for the Shorts aircraft factory was located west of Capstone Road and a heavy anti-aircraft battery was installed at Gibraltar Farm. Some camp structures remain.

## ***Rural Development***

### *Chattenden*

Although the Chattenden village centre as indicated on the map in the document is some distance from the main Chattenden military site, there are nonetheless several heritage assets that could be affected by the proposals. On the Kitchener Road roundabout, part of one of the former 1961 guardhouses survives alongside the main access road into the barracks. At Copse Farm, three concrete Second World War (probably) barrack huts also survive. At the junction of Kitchener Road and Chattenden Lane the former Garrison Church still survives, albeit as a civilian church. All three of these sites are located in the area identified as the 'indicative neighbourhood centre'. In the event of major development in this area it will be important to ensure that those structures which are retained keep some of their context in terms of setting and interpretation, so the military origins of the area remain in the local memory and contribute to the character of the neighbourhood.

In the angle between Broad Street and the Ratcliffe Highway, aerial photographs have suggested former field systems of unknown date. Also running through this

area from the main Chattenden village site was a small-gauge railway from Chattenden to Hoo.

In the area south and west of the proposed village centre, there are numerous remains of the area's military past. These include a former 19th and 20th century Naval military railway that connected munitions and military depots around Hoo, a 1950's wireless transmitter Station at Beacon Hill, the remains of a Second World War Naval Signal Station, the scheduled Second World War blockhouse and beacon, a Cold War air-raid shelter, a Second World War pillbox and a First World War anti-aircraft battery. There are also areas of First or Second World War practice trenches on Beacon Hill. This complex of sites would suit being brought together in a trail or another form of interpretation to help maintain the green space between settlement areas and to retain memory of the military origins of the Chattenden area.

Finally, recent archaeological investigations at Chattenden, in response to housing development, have revealed important, but previously unknown, archaeological sites including evidence for Mesolithic activity and Anglo-Saxon settlement. These discoveries highlight the potential for further important, but unknown, archaeological sites to exist within the proposed growth area. Any future masterplan for the area would need to have sufficient flexibility to take account of important archaeological discoveries. This will likely require a comprehensive programme of desk-based, non-intrusive and intrusive assessment and evaluation prior to any detailed master planning.

#### *Deangate Ridge*

Deangate is located in a highly significant military landscape originally dating back to the late 19<sup>th</sup> century with the use of the area being a major magazine establishment. Although much of the site has been demolished, numerous magazines, protecting earthworks as well as later defences still survive. During the Second World War, the entire site was defended by an arm of the General Headquarters Stop Line that ran from Hoo St Werburgh to Higham Marshes. A 2014 survey by Historic England has mapped the route of the Stop Line and its accompanying pillboxes, earthworks and defences which essentially follow the route of Dux Court Road as far as Wyborne's Wood before turning west. Four of the pillboxes in this area of the GHQ Line have been designated as listed buildings and several features relating to the Lodge Hill Magazine. Between Hoo St Werburgh and the magazine also formerly stood the Deangate Second World War radar station, which included gun emplacements and ancillary structures.

#### *West/East of Hoo St Werburgh*

Previous archaeological investigations in the area have discovered extensive prehistoric and Romano-British remains in the vicinity of Hoo. The alignment of a Roman road linking the Hoo Peninsula to Roman Watling Street is projected to run to the south of the former Chattenden Barracks close to the development area. To the north-west of the area, within the Lodge Hill enclosure, a Romano-British cemetery has previously been identified and a further occupation site has been found south of

Hoo between the village and the shoreline. The village itself contains built heritage assets such as the church and it is important to protect the long views towards them. There are also Saxon and Medieval remains, although the site of the 7<sup>th</sup> century nunnery has yet to be identified. The landscape also contains numerous survivals of the Second World War associated with the GHQ Stop Line that runs from the foreshore south-east of Hoo to the north of Lodge Hill where it turns west.

West of Hoo St Werburgh. Finally, both east and west of Hoo there is a strong maritime character with many coastal features that also contribute to the historic character of the area.

The Cockham Farm area has an extensive heritage. From north to south:

Both north and south of Stoke Road, cropmark complexes and field boundaries have been observed in aerial photographs, although the dates of the complexes are unknown.

Along the route of the Saxon Shore Way a number of well-dated archaeological discoveries have been made. Palaeolithic artefacts have been recovered from a brickearth pit to the south-west of St Werburgh's Church in Hoo in the 1930s. A late bronze age occupation site was discovered during a watching brief in 1999. An iron age coin and torc were found close to Hoo village. A Romano-British cemetery and occupation site was found in 1894 near Cockham Cottages. The lost 7<sup>th</sup> century nunnery may exist either within the village or perhaps within the Cockham Farm area and other middle Saxon features are known from the area south of the village.

Along the coast can be seen numerous examples of more recent heritage assets. Although Roman remains have been found at Hoo Marina Park, most of the remains relate to the maritime use of the coastline. The most significant site is the scheduled 17<sup>th</sup> century Cockham Wood Fort built by Sir Bernard de Gomme as a response to the Dutch Raid. Despite its scheduled status, the fort is included in the national Heritage risk register where it is described as at risk of immediate further rapid deterioration or loss of fabric if no solution for its conservation and management is agreed. There are also numerous wharves, jetties and quays, as well as several examples of wrecked barges dating from the 18<sup>th</sup> to 20<sup>th</sup> centuries.

In addition to the maritime activity, there are several important 20<sup>th</sup> century military assets along the coast. The GHQ Stop Line meets the coast at this point and the junction was defended by at least 8 pillboxes and anti-landing sites.

#### *East of Hoo St Werburgh*

Prehistoric cropmarks, enclosures and features have been seen in aerial photography between Sharnal Street and Tunbridge Hill and also around Tile Barn Farm. A number of discoveries dating between prehistoric to Saxon times were made during the Isle of Grain gas pipeline works, including most notably, a Late Bronze Age settlement or probable possible funerary site and a possible Late Bronze Age

small scale industrial site. A Romano-British industrial site with a probable pottery kiln was also found.

The Second World War GHQ Line runs south-east to north-west through the western end of the area and as described above (see Deangate) contains many surviving heritage assets of importance. The indicative illustration appears to show extensive new development, including a proposed neighbourhood centre between Ropers Lane and Bells Lane. The area is crossed by part of the General Headquarters (GHQ) stop-line between Hoo St Werburgh and Higham Marshes; a notable surviving example of anti-invasion defence. It is an important remnant of the Second World War defense landscape of the peninsula and is a well-preserved example of this type of defence, which is part of a major chapter in the national story. A group of pillboxes are located along the edge of the existing development along Bells Lane, two of which are listed (Grade II). The stop-line comprised an anti-tank ditch, pillboxes (both anti-tank and infantry), barbed wire entanglements, road-blocks and other features. The surviving remains form a coherent pattern of defence linked to the local topography. Extensive development here would result in the loss of part of the stop-line and would be harmful to the setting of the listed pillboxes. Development should not take place along the route of the GHQ stop line and its setting should instead be enhanced.

### *High Halstow*

The area is centred on High Halstow village which retains its medieval core and includes a medieval church and tithe barn and several medieval buildings. Within the village, however, older remains have been discovered including Bronze Age and prehistoric features. Outside the village, several enclosures and cropmarks have been seen in aerial photographs. Metal detectorists working around the village have discovered numerous examples of artefacts, particularly from the iron age to the medieval period.

Immediately to the east of the area is the Fenn Street Second World War air defence post with associated radar station. The area also forms the northern extremity of the GHQ line in Kent/Medway and there are several surviving pillboxes and other features.

The area is also crossed by several industrial and military tramways such as the Port Victoria Railway, the Chattenden Naval Tramway and the Kingsnorth Light Railway.

The indicative illustration shows development between the existing village and Sharnal Street on a ridge of higher ground that forms part of the 'spine' of the Hoo Peninsula, with views towards the Thames to the north and the Medway to the south. The site may have been a favourable location for past occupation, having access to a range of natural resources. A number of Late Iron Age gold coins have been found to the north of High Halstow, whilst remains of Bronze Age date have previously been recorded south of the village. Within the illustrated development area itself various crop- and soil- marks have been observed indicating the presence of buried archaeological remains and landscapes. These crop-and soil- marks include a ring

ditch (possibly representing the ploughed out remains of a prehistoric burial mound), along with enclosures and other features. The area also has some potential to contain remains of Pleistocene/Palaeolithic interest.

## **Green Belt Release**

### *Halling*

It is not possible from the consultation document to tell exactly where this site is but it seems to be in or close by the Rochester Cement Works. It is possible that the development area thus lies in a site already subject to quarrying, in which case the below-ground archaeological potential may be limited although important industrial archaeology assets may still survive. If the site has not yet been disturbed then the site has archaeological potential related to its location on the historic route up the Medway valley. A prehistoric burial, possibly of Neolithic date, has been found to the north of the site and a second, probably Romano-British, burial found in the Bores Hole quarry to the north-west.

### *Outer Strood/Frindsbury*

The development area lies in an area of general potential, particularly related to the prehistoric and Roman periods. Excavations for new housing on Hoo Road found Middle to Late Bronze Age features. Cropmarks of probable Bronze Age ring-ditches have been observed c. 1 km north of the development area. Excavations near Four Elms roundabout found evidence for prehistoric, Roman and medieval settlement. North-west of the area, a watching brief in 1977-9 found evidence for Roman occupation and a Roman bowl and associated finds were found at Brompton Farm. Roman Watling Street also runs to the south of the development area. Large numbers of finds have also been recorded by metal-detectorists including Roman and Medieval finds but also prehistoric flintwork.

## **Employment sites**

### *West of Kingsnorth*

The development area lies in an area of potential associated with its rural and low-lying character, close to the marshes east of Hoo. This includes deposits of Pleistocene and palaeo-environmental potential, probable prehistoric remains and land surfaces, several historic farmsteads and an extant historic landscape character.

### *Grain Power Station*

The suggested development area lies east and west of Grain Power Station. As such there is considerable potential for undisturbed archaeological remains. These may relate to sands and gravels of Pleistocene date which could contain Palaeolithic finds and/or faunal (or other) palaeo-environmental remains, possible Late Neolithic – Early Bronze age funerary monuments and features associated with the Prehistoric exploitation of the Medway Marshes, evidence for Iron Age and Romano-British

occupation and activity, including potentially industrial activity associated with pottery or other manufacturing, other presently unknown non-designated archaeological remains and an aircraft crash site of Heinkel He 111H-2, which crash-landed on the Isle of Grain 7th September 1940.





## Growth and Communities

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 Planning Policy  
 Planning Services  
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### BY EMAIL ONLY

17 October 2023

Dear Sir / Madam,

### Re: Capel Parish Neighbourhood Plan (2022-2038) - Regulation 16 Consultation

Thank you for consulting Kent County Council (hereafter referred to as the County Council) on the Capel Parish Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and for ease of reference, has provided general comments on the Neighbourhood Plan followed by comments structured under the chapter headings and policies used within the document.

### General

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve PRoW in the county (PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic). The County Council is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the County Council [Rights of Way Improvement Plan](#) (ROWIP) and the County Council [Framing Kent's Future](#) 2022-2026. The County Council intends for people to enjoy, amongst others, a high quality of life with opportunities for an active and healthy lifestyle, improved environments for people and wildlife, and the availability of sustainable transport choices.

Various changes to the Neighbourhood Plan have been made since the Regulation 14 consultation stage, and the County Council appreciates the amendments made in response to the County Council's submission to this earlier consultation.

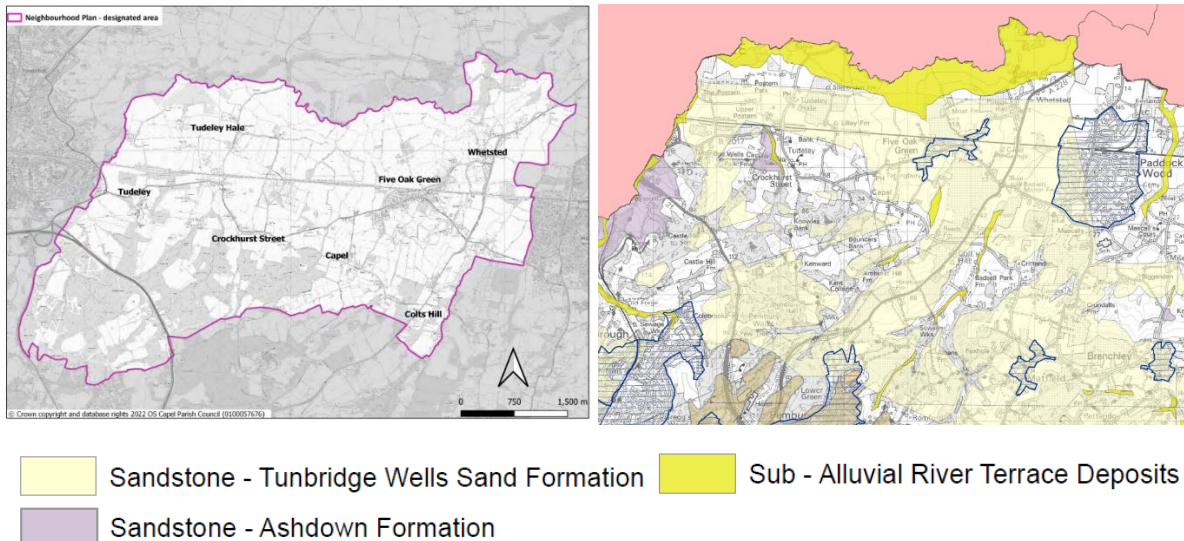
The Neighbourhood Plan to PRoW, which is encouraged given the benefits residents can gain from the PRoW network; however, the term is not defined for those uncertain of its

meaning. To aid understanding it is recommended that the following is included the Neighbourhood Plan: **Public Rights of Way: the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. These are public highways as much as public roads.**

The County Council would ask that the Neighbourhood Plan makes reference to the ROWIP, a statutory strategic document. This will assist successful partnership working, deliver improvements to the PRow network in the town, and help avoid loss of access to funding opportunities.

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, notes that the Neighbourhood Plan does accord with the [Kent Minerals and Waste Local Plan 2013-30 \[early Partial Review 2020\]](#) (KMWLP) in its reference to the presence of safeguarded waste management and/or mineral processing facilities in the area and stating that no development will be within 250m of such facilities. Thus, these facilities are not threatened with by either direct loss or the citing of incompatible development.

There are safeguarded land-won minerals in the Neighbourhood Plan area. An extract of the Plan area and the Mineral Safeguarding Area proposals map for the Tunbridge Wells Borough Council area in the KMWLP are included below. The Neighbourhood Plan recognises these safeguarded minerals and states that it does not propose any development that would threaten them with coincident sterilisation – the County Council is supportive of this.



## **2. About Capel**

### **Neighbourhood Plan Objectives**

Highways and Transportation: In relation to Neighbourhood Plan Objective 5, the County Council, as Local Highways Authority, draws the Neighbourhood Planning Group’s attention to schemes for active travel that are included in the [Tunbridge Wells Local Cycling and](#)

[Walking Infrastructure Plan \(LCWiP\)](#) and in the [Tunbridge Wells Borough Council Local Plan Infrastructure Delivery Plan](#). Funding for such schemes can be sought through development contributions. The Neighbourhood Plan should recognise that Transport Assessments will inform where mitigation is needed to accommodate development generated traffic.

PRoW: The County Council provided commentary in response to the Regulation 14 consultation regarding Objective 5 and the intention to establish a 'cohesive movement strategy'. Clarity is still awaited on how the Neighborhood Plan will establish this strategy and whilst Policies C14 - C16 will contribute, they are not in themselves a strategy. Establishing such a strategy would ordinarily be realised through the County Council, Borough Council and others, given the considerable resource and capability required to deliver it, with Capel Parish Council (CPC) being consulted in its preparation. It is, therefore, recommended that the Objective is re-worded to what the local community can itself deliver.

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, is pleased to note that the majority of the County Council's comments provided at Regulation 14 stages have been considered in this consultation.

However, the Lead Local Flood Authority continues to have concerns relating to paragraph 2.7 (previously 2.11) and specifically in relation to the inferred flooding as a result of the railway embankment (and thus one would assume the associated culvert). The County Council would suggest this is more as a result of the previous culvert between Five Oak Green Road and Finches Farmhouse. The Neighbourhood Plan could include evidence, if available, of the flooding associated with the railway embankment and culvert as an appendix item.

#### **4. The Neighbourhood Plan Policies**

Highways and Transportation: The transport policies included in Figure 3 are supported by the Local Highways Authority. The County Council supports sustainable development and would seek to ensure development within the Neighbourhood Plan area is well served by alternative modes of travel to the private car.

#### **6. Character, Heritage and Design**

Heritage Conservation: The County Council was pleased to see that the Neighbourhood Plan has taken a considered and thoughtful approach to the heritage of the Neighbourhood Plan area. The review of the heritage of the area presented in the text is comprehensive, the policies are effective, and the contextual information is very helpful. The County Council is particularly supportive of Chapter 6 and the four policies it includes which will help to conserve Capel's important heritage for future generations.

## **7. Environment and Green Space**

### **Policy C7: Green and blue infrastructure and delivering biodiversity net gain**

**Biodiversity:** Paragraph 7.8 states that substantial compensation, as quantified by the Defra biodiversity metric, will be considered. However, the County Council highlights that irreplaceable habitats are considered as such and therefore cannot be quantified within the metric. The metric instead indicates that bespoke compensation will need to be designed, and agreed with the relevant consenting body, to justify any losses. The County Council suggests that this paragraph be reworded to indicate that the loss of irreplaceable habitats should only occur in exceptional circumstances (as per the National Planning Policy Framework (NPPF)), and that any losses will need a bespoke compensation strategy.

In respect of the proposed policy, the County Council recommends the following amendments:

*“A. Development proposals should be designed to create, conserve, enhance and manage green spaces and connect chains of green and blue infrastructure, as identified on the Policies Maps, with the aim of delivering a measurable net environmental benefit (where net gain involves a post development increase in biodiversity units of 10%) for local people and wildlife. **All development (unless exempted<sup>1</sup>) will be required to result in a minimum biodiversity net gain of 10%, calculated using the latest Defra biodiversity metric/ Small Sites Metric. Unless exempted, proposals for development must be supported by a biodiversity net gain statement.***

~~*Subject to their scale, nature and location, proposals for development must be supported by a biodiversity appraisal, which must demonstrate how negative impacts would be minimised and biodiversity net gain achieved.*~~

*B. The appraisal **biodiversity net gain statement** should demonstrate that where significant harm cannot be avoided, proposed development and other changes should adequately mitigate or, as a last resort, compensate for the harm. ~~The appraisal must demonstrate a measurable biodiversity net gain of 10% by utilising the Defra biodiversity metric (or as amended).~~ Where adherence to the mitigation hierarchy and a minimum 10% biodiversity net gain is not demonstrated, permission for planning **or for change of use** should be refused.”*

In respect of part B of the proposed policy, the County Council would recommend consideration of [Government Guidance on Neighbourhood Planning](#) and need for Neighbourhood Plans to be planned positively.

### **Policy C8: Managing the environmental impact of development**

**Biodiversity:** In respect of paragraph 7.13, the County Council recommends the following amendments:

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<sup>1</sup> Some exemptions for very small sites will apply. These will be in line with outcomes of the biodiversity net gain consultation (unless or until changes come into force through further legislation/guidance). The list of exempted sites are available [here](#).

“The NPPF (para 180) stresses that planning policies and decisions should contribute to and enhance the natural environment including requiring net gain in biodiversity. **Natural assets protected within policy and legislation** ~~Protected natural assets (also area habitats shown on Figure 14-13)~~ in the neighbourhood area include:

*the High Weald AONB*

*areas of ancient woodland **and veteran trees**<sup>2</sup>*

*RSPB reserve (Tudeley Woods)*

*Local Wildlife Sites: Somerhill Park, RSPB reserve Tudeley Woods, East Tonbridge copses and dykes and River Medway*

*Local Green Spaces: as designated in this CNP and the TWBC Local Plan (once adopted)*

***Native hedgerows (priority habitat)***

***Woodpasture and parkland (priority habitat)***

***Traditional orchards (priority habitat)***

***Lowland meadows (priority habitat)***”

The County Council is not able to identify the locations of ancient woodland or important open space on Figure 13, although they are included in the key. The County Council would recommend updating Figure 13 with this information and also including the woodpasture and parkland, traditional orchards and lowland meadows.

In respect of paragraph 7.14 the County Council would recommend the following amendment “*mature ~~and veteran trees, hedgerows~~”*. Veteran trees are given consideration within the NPPF in the same way as ancient woodland. Most native hedgerows are considered priority habitats for conservation and priority habitats are mentioned within the NPPF paragraph 179.

The County Council would recommend that these habitats be included in paragraph 7.13. The section on orchards should also be clarified to make clear the difference between traditional orchard priority habitat and orchards that do not meet this classification.

#### Policy C8: Managing the Environmental Impact of Development

Biodiversity: The County Council would recommend the following addition to this policy:

##### ***Designated Sites, Priority Habitats and Priority Species:***

- i. It is expected that development will not result in the loss of, or the deterioration in the quality of Local Wildlife Sites; and/or result in significant adverse impacts upon priority species or habitats***

There are a number of local wildlife sites, priority habitats and species within the Neighbourhood Plan area. These receive consideration within national and local planning policy. Specific mention of these would be of benefit within this policy. It should also be recognised that certain woodlands and hedgerows are priority habitats.

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<sup>2</sup> Not shown on Figure 13, but those recorded are available on the Woodland Trust Ancient Tree Inventory, accessible [here](#)

Furthermore, the County Council would welcome the following additional text in relation to trees and woodland:

“Trees and woodland:

- i. *Proposals which include additional native woodland planting on appropriate sites will be supported, in particular where this enables public access.*
- i. *There should be no unacceptable loss of, or damage to, existing trees or woodlands during or as a result of development. Ancient woodland, priority woodland and veteran trees should be retained and protected within proposals. **Any adverse impacts to ancient woodland and veteran trees will only be acceptable where there are wholly exceptional reasons<sup>3</sup> and a suitable compensation strategy has been produced.***

The County Council understood notable trees in the Regulation 14 consultation referred to mature/semi-mature trees of particular note as identified by an arboricultural consultant, or as defined for example by Tree Preservation Order/Conservation Area. This definition does not appear in this drafting of the Neighbourhood Plan. The County Council would recommend the following amendment:

- ii. *If **other** notable trees must be removed where fully justified, they should be replaced with trees of a similar potential size and native species elsewhere on the site.*

## **9. Transport and Movement**

PRoW: In respect of paragraph 9.3, it is recommended to replace first reference to 'styles' with 'stiles' and remove the second entirely i.e. a 'kissing gate' is not a stile.

In respect of paragraph 9.20, this should be amended to refer to Figure 20.

### Policy C15 Mitigating vehicular impacts at highway hotspots

Highways and Transportation: The County Council supports the policy direction to promote a shift towards sustainable travel. New development proposals will be required to mitigate the cumulative impact in line with the NPPF. It is recommended that the wording of Policy C15 is amended to the effect that:

*“Development proposals must address to the satisfaction of the highway authority **their** direct and cumulative transport impact. **Whilst the scope of each assessment will depend on the specific development proposal, it is requested that developers consider the following areas in their submissions....”***

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<sup>3</sup> For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

## Policy C16 Electric Vehicle charging

Highways and Transportation: The County Council supports the policy.

### **10. Implementation and Plan Review**

PRoW: The existence of a 'made' Neighbourhood Plan can have a significant positive impact on a local community's ambitions being realised, and it is therefore important to ensure any Neighbourhood Plan is monitored and reviewed during its lifespan. This is recognised within Section 10; however, in respect of PRoW, the Neighbourhood Plan could specifically commit to a monitoring and review procedure and recommends paragraph 10.5 is revised accordingly.

### **12. Non-Policy Actions**

PRoW: The County Council welcomes recognition of the PRoW network within Section 12, Table 6 – Non-Policy Actions, and for these in future to be constantly reviewed and open to residents' feedback.

The County Council suggests, however, that the use of future developer contributions solely for the upgrade of existing PRoW for shared modal use could unnecessarily limit the use of such funds. It is recommended the project scope is widened to seek and deliver improvement opportunities. The County Council would be pleased to work in partnership when opportunities to improve the PRoW network arise.

## **APPENDIX A - Capel Design Guidelines**

### **DC.03 Landscape and sustainability.**

Biodiversity: The text refers to Figure 85 and the County Council believes this is an error and it should say Figure 86.

Reference is made to priority habitats. However, the habitats mentioned in the text are not clearly linked to priority habitats (habitats of principal importance) as defined in the Natural Environment and Rural Communities Act 2006 or within the NPPF. Further clarification is needed.

The County Council would recommend correcting the reference to culverts.

Reference is made to habitat features such as bat boxes, insect hotels and hedgehog highways. The majority of images appear to show wooden features. Woodcrete boxes are generally recommended for development projects over wooden boxes. Wooden boxes are only likely to last 5-10 years before needing to be replaced to continue to provide a wildlife benefit. A woodcrete box has a much longer lifespan of 20-25 years before needing to be replaced. The County Council would always recommend durable materials be selected for installation in order to minimise maintenance in the long-term and to provide a longer-term

assurance of biodiversity net gain in line with the NPPF. The County Council therefore recommends that the design guidelines emphasise the importance of making any wildlife features durable with minimal maintenance requirements.

The County Council would recommend the avoidance of 'enhancements' such as bird feeders (shown in Figure 91) as these require very regular maintenance to provide benefits and do little to address wider habitat losses.

### **APPENDIX E – Roads and Transport Issues in Capel**

Highways and Transportation: Appendix E identifies local highway related issues and it is recommended that the Neighbourhood Plan Working Group engages with the County Council, as Local Highways Authority, with a view of ensuring inclusion in the Highway Improvement Plan (HIP).

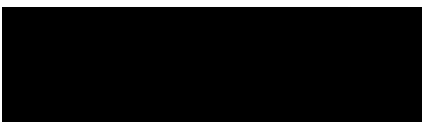
#### Other busy routes across Capel Parish

Highways and Transportation: With reference to page 163, Postern Lane is referred to as a private lane carrying a public footway; however, the route is a Public Footpath, not a footway, and it is recommended that this should therefore be corrected.

---

The County Council would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours faithfully,



**Simon Jones**  
Corporate Director – Growth Environment and Transport





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### BY EMAIL ONLY

16 October 2023

Dear Sir / Madam

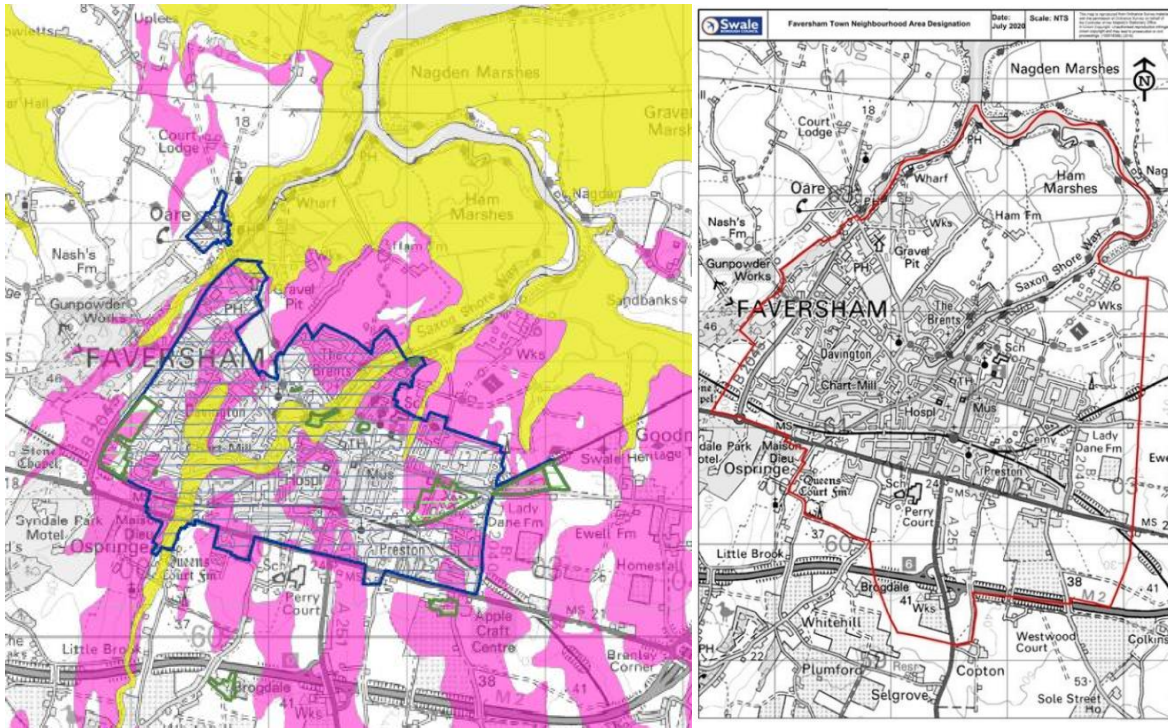
### Re: Faversham Neighbourhood Plan - Regulation 16 Consultation

Thank you for consulting Kent County Council (the County Council) on the Faversham Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and following on from general comments and for ease of reference, has provided comments structured under the chapter headings and policies used within the Neighbourhood Plan.

### General Comments

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, notes that the Neighbourhood Plan area does not have any safeguarded waste management and/or mineral processing facilities of any significance. There are safeguarded land-won minerals in the Neighbourhood Plan area as indicated on the extract below from the Mineral Safeguarding Area proposals map for the Swale Borough Council area in the Kent Minerals and Waste Local Plan 2013-30 [early Partial Review 2020] (KMWLP) – this demonstrates that there are two safeguarded minerals in the area.



Sub - Alluvial River Terrace Deposits  
 Brickearth (Faversham - Sittingbourne Area)

It is noted that the Neighbourhood Plan does not propose any development allocations outside the main urban area - therefore there is no direct conflict with land-won mineral safeguarding policy. However, reference is recommended to the KMWLP within the Neighbourhood Plan to ensure it is comprehensive in its understanding of all the policy constraints that exist within its boundaries.

Heritage Conservation: Overall, the County Council recommends that the Neighbourhood Plan should have a greater consideration of Faversham's heritage. Faversham is one of the most historically significant places in Kent and has a rich and diverse heritage. Some of this can still be seen in the town's historic buildings and character, but more is buried beneath the ground or remains to be discovered. This heritage is likely to be encountered regularly by residents and developers trying to deliver the goals of the Neighbourhood Plan and the County Council considers that at the outset, a more detailed review of heritage matters in Faversham should be included so that readers appreciate how extensive it is and why it is so important. This review could most usefully be in section 2.1 (Local Context) or at the start of section 3.7 (Historic Buildings and Areas). At present, a simple review of the history and heritage of Faversham has been omitted from the Neighbourhood Plan and the County Council would ask that this is included within future drafting as it is considered that to gather support for design and heritage policies – justification as to why they are important must also be included.

This review should emphasise that Faversham's heritage is far older than the medieval appearance that the town presents today. It also includes several Palaeolithic handaxes and Mesolithic flints from across the NP area, Neolithic pottery from Ospringe Street and a

possible Neolithic field system at Abbey Fields. Neolithic flints have also been found widely across the area. Bronze Age weapons and tools have been found in Faversham and are now in the British Museum, and an early Bronze Age field system and late Bronze Age farmstead have been excavated at Abbey Fields. Late Bronze Age occupation has also been recorded at Davington and Perry Court Farm. Iron Age burials that produced brooches were found at Athelstan Road and a probable Iron Age settlement discovered at Abbey Fields. Other Iron Age occupation sites have been found south of Macknade Farm, Queen Elizabeth Grammar School, Lady Dane Farm and at Davington. The Neighbourhood Plan area contains extensive Roman remains related to the crossing of the Neighbourhood Plan area by Watling Street and the proximity of Faversham Creek. These include cemeteries at Davington, Ospringe, in Faversham itself and at the King's Field. Roman occupation features have been found at various places in the Neighbourhood Plan area. These include buildings and an altar found at St Mary of Charity while east of Clapgate Spring finds have been recovered indicating a buried building. The most spectacular Roman discovery, however, is that of Faversham Roman Villa, a winged villa and now a scheduled monument. As elsewhere, Anglo-Saxon settlement evidence is more elusive. Possible features have been found in Abbey Street and a possible ditch beneath St Mary's church. Saxon burials were, however, found at the King's Field and St Mary's church. These pre-medieval features may not be visible, but they are nonetheless important components in Faversham's heritage. Post-medieval buildings and industries are already more prominent in the text. The County Council would ask that the Neighbourhood Plan text highlights these diverse discoveries, not only to link the modern town to its more distant past but to highlight the potential for further discoveries in future.

Sports and Recreation: The Neighbourhood Plan should demonstrate how proposals within the Neighbourhood Plan link into the Playing Pitch Strategy which is understood to be under development.

## **2. Local Context**

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve PRoW in the county (PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic). The County Council is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the County Council [Rights of Way Improvement Plan](#) (ROWIP) and the County Council [Framing Kent's Future](#) 2022-2026. The County Council intends for people to enjoy, amongst others, a high quality of life with opportunities for an active and healthy lifestyle, improved environments for people and wildlife, and the availability of sustainable transport choices. These commitments have influenced the commentary raised in respect of this Neighbourhood Plan.

With reference to green spaces within this section, the County Council would recommend inclusion of the PRoW network asset, National Trail and promoted routes to give context to the historic character of the network in the area. It would also emphasise the significant benefit that a well-maintained PRoW network can bring to the socio-economic well-being of a rural area.

## 2.3 Aims

PRoW: The County Council, in respect of PRoW, supports the Aims set out within the Neighbourhood Plan. However, point 4, regarding walking and cycling, should include specific reference to the PRoW Network as a significant element of sustainable transport. This point was previously raised within the County Council's previous response to the Regulation 14 consultation.

## 2.4 Overall Planning Strategy

PRoW: In respect of PRoW, the County Council is generally supportive of the strategy but would recommend that FAV4 and FAV6 reference to "*Footpaths, Bridleways and Cycleways*" be amended to "***the PRoW network, National Trails, promoted routes and Cycleways***".

## 3. Policies

### 3.1 Overview

PRoW: The County Council would recommend amending FAV6 to ***the PRoW network, National Trails, promoted routes and Cycleways***.

### 3.2 Faversham Town Centre

#### FAV1 – Faversham Town Centre

PRoW: The County Council recommends that the text within this policy includes consideration of how to ensure pedestrian and cycle connectivity for any proposed centre development, particularly in light of increase in tourism to the area.

### 3.3 Residential Development

PRoW: With reference to the 'Key Issues for Policies to Address', the County Council considers that the lack of consideration to Active Travel connectivity opportunities, giving priority to walking and cycling, is a serious omission from the Neighbourhood Plan. Links to amenities and public transport, as well as leisure and green space, should be encouraged within the Neighbourhood Plan and specific mention should be made of improving and enhancing the PRoW network to enable safe and attractive walking and cycling connections and links from new developments to community facilities. It is critical therefore that wording is included within this section to optimise opportunities to secure funding to ensure these highly regarded links are not degraded. Developer contributions could be used to upgrade existing routes or create new path links, which would benefit the community.

#### FAV2 – Housing Development

PRoW: The County Council would encourage this policy to include consideration of encouraging development that is not reliant on cars for short journeys.

### 3.4 Movement and Sustainable Transport

PRoW: The County Council welcomes the inclusion of the KCC ROWIP, a statutory policy document for KCC but would refer to early commentary and recommend that reference to “*Footpath and cycle network*” should be amended to “**PRoW network**”. The County Council does welcome the reference to investment in the PRoW network.

#### FAV4 – Mobility and Sustainable Transport

Highways and Transportation: It is noted that the reference to scooters has been removed from bullet point 4 and replaced with “*other personal vehicles*”. The County Council, as Local Highway Authority, considers that this alternative wording is acceptable.

PRoW: The County Council would recommend that this policy includes specific reference to PRoW in relation to need to prioritise, protect and enhance PRoW on site considering the importance of this access resource. The County Council would also ask that connectivity to the offsite network is considered within this policy.

#### FAV5 – Critical Road Junctions

Highways and Transportation: The County Council, as part of its response to the previous Regulation 14 consultation, raised comments in relation to the Critical Road Junctions and these do not appear to have been actioned. If this policy is to remain, the Local Highway Authority considers that it should be less onerous and made clear that the identification of the junctions is based on the [LTN1/20 cycling assessment](#) of their current layouts. The Junction Assessment Tool (JAT) score given to the junctions in the associated Critical Junction Report May 22 document is, in part subjective, and the full works to calculate the final value are not provided. It is also noted that the propensity to cycle calculations have used very ambitious E-bike trip rates of 22% for commuting trips and “Go Dutch” scenario for school trips, which will have influenced the score. No explanation is apparent within the report to determine what score threshold has been used to identify a junction as critical, and it is not considered that this would necessarily relate to the NPPF test of severity when it comes to assessing development proposals and the impact that they would have on the highway network.

As described previously, any development that is likely to generate significant traffic impacts on the identified junctions will need to be supported by a Transport Assessment and mitigation required if needed. The proposed interpretation drafted for FAV5 is too presumptuous in defining that modest increases in traffic are likely to have a severe impact on these junctions. The County Council would ask that this is revised to remove this presumption, focusing more on the reliance of Transport Assessments to consider the impact and to determine whether mitigation can be provided. Only where the impact is deemed severe and cannot be mitigated would development be resisted.

#### FAV6 – Footpaths Bridleways and Cycleways

Highways and Transportation: The additional wording used in the Interpretation text includes provisions for the diversion of footways and bridleways is noted and considered appropriate by the Local Highways Authority.

PRoW: The County Council is supportive of this policy, however, would recommend that the title is amended to “**Public Rights of Way Network, National Trails, Promoted routes and Cycleways**”.

### 3.5 Environment

#### FAV7 – Natural Environment and Landscape

Highways and Transportation: As previously requested by the County Council, reference is now made to the provision of trees within the street layout of new development. This will be subject to technical assessment as part of the Section 38 adoption process so consideration will have to be given to their placement that may influence the position of other street furniture or utility services. This should be considered as part of this policy.

PRoW: The County Council is disappointed that the policy does not include the Landscape and Views impact on PRoW network and National Trail ECP and Cycle routes. This impact is always part of any development Landscape and Visual Effects Assessment. It is recommended that this is amended accordingly.

Biodiversity: The County Council has reviewed the policy wording relevant to ecology and biodiversity and advises that amendments are made as indicated below:

*“2. Major development proposals should include positive features in its design and landscaping to create net gain in biodiversity, as follows:*

*a. for brownfield sites, 10% net gain;*

*b. for greenfield sites, 20% net gain;*

*c. for householder sites, 10% net gain.*

*5. Where loss of trees, woodland or hedges is unavoidable, replacements should be provided nearby, using native species, to create a similar level of amenity **and ecological functionality. Loss of priority and ancient woodland habitats will be avoided unless a suitable compensation strategy can be designed and approved.***

*7. Landscaping and planting should use native species or other species with high value for wildlife.*

*Landscaping and planting should comprise native species. **Where non-native species are proposed a clear justification of biodiversity benefit will be required. Where sites lie adjacent to / within close vicinity of designated sites, ancient woodland and priority habitats, only native species will be planted.***”

#### Interpretation wording

Biodiversity: The County Council would recommend the following amendments:

*“The documents submitted as part of the planning application ~~could~~ **should** be used to demonstrate compliance with clause 3, including the Ecological Impact Assessment, Landscaping plans and the Biodiversity Net Gain assessment. **Applicants will also be required to demonstrate how impacts from any proposed artificial lighting on biodiversity will be avoided or mitigated.***”

*Developers should demonstrate no adverse effects on the integrity of designated sites and this ~~could~~ should be demonstrated through project specific HRAs and contributions to the Bird Wise North Kent Mitigation Strategy **as required**.*

***In addition to measures provided under Biodiversity Net Gain, enhancements will be provided for biodiversity and wildlife. These will include features such native species planting, bird or bat bricks, eel passes, street and garden trees, ponds, and gaps in fences for hedgehogs. Provision of new street and garden trees can enhance street scenes, assist drainage, reduce harmful pollutants, and help mitigate high summer temperatures. Landscaping could include wild verges and wildflower planting areas, rather than over-reliance on grassed areas.***

*Activities to achieve biodiversity net gain and/or balance loss of green landscape could include works outside of the development site, such as rewilding of paths or establishing a habitat banking system. **Retention and management of any off-site land will be legally secured to ensure achievement and conservation of the target habitat types in the long term.***

*Development should demonstrate how it complies with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations, **as amended**), including consideration of nutrient neutrality.”*

#### FAV8 – Flooding and Surface Water

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, considers that this policy suitably recognises the risks associated with new developments and the management of surface water.

### **3.6 Design**

#### FAV10 – Sustainable Design and Character

PRoW: The County Council would recommend that reference to “*connections to surrounding pathways...*” should be amended to “***PROW network and National Trails***”.

### **3.7 Historic Buildings, Places and Landscapes**

Heritage Conservation: The heritage of Faversham goes well beyond the visible historic buildings and Conservation Areas and also includes archaeological sites. In addition, although the Neighbourhood Plan area is primarily urban in nature, it does contain a significant area of countryside. This rural area is a historic landscape that contains many surviving historic features, such as the patterns of tracks, lanes and hedgerows that give character to the area. When considering the impact of either development or intensive agriculture on the countryside, it is important to understand the historic development of the landscape so that its essential character can be conserved. The [Kent Historic Landscape Characterisation \(2001\)](#) has identified the broad historic character of the landscape of Kent. Where it is to be applied locally further study is needed to refine its conclusions, but it remains an essential tool for understanding the landscape within which the historic town of

Faversham sits. To be fully effective in local planning and development control, the Historic Landscape Characterisation should be backed up by more detailed case-by-case analysis at a parish level, to add greater detail through secondary sources. This would make a good volunteer project for the Town Council, and the County Council would be happy to discuss this opportunity further.

#### Kent Historic Towns Survey (2003)

Heritage Conservation: The County Council welcomes the use of the Historic Towns Survey in the Neighbourhood Plan. Using the text of the survey as part of the evidence base will help developers and consultants be more aware of the archaeological implications of their proposals and thereby prepare more sensitive planning applications. It should be noted, however, that the Historic Town Survey is some years old (2003) and would benefit from being updated. This would make a good community project and the County Council would be happy to discuss this opportunity further.

#### FAV11 Heritage

Heritage Conservation: The County Council raises the following comments in respect of this policy:

Clause 1: The County Council welcomes the commitment to heritage-led regeneration and the re-use of historic buildings.

Clause 5: The County Council welcomes the recognition of the importance of the historic landscape and its component features.

Clause 6: The County Council welcomes the recognition of the role of historic industries in Faversham and the commitment to the conservation of relevant heritage assets.

Clause 7: The County Council welcomes the use of the Urban Archaeological Zones from the Historic Towns Survey in the Neighbourhood Plan, noting the need for some updating as mentioned above.

### **3.11 Faversham Creek**

PRoW: The County Council welcomes the inclusion of Public Footpath ZF39 and the King Charles III England Coast Path National Trail (KC3CP - new title) and advises the addition of ZF32, ZF5 and ZF1 in light of development proposals.

#### FAV15 – Faversham Creek Policy Area

PRoW: In respect of section 3 c), this should include reference to the PRoW Network and KC3CP National Trail specifically. The County Council would encourage the text to include consideration of ensuring that development takes opportunities to improve public access to the waterfront.



### 3.12 Site Allocations

SuDS: The County Council, as Lead Local Flood Authority, notes that a number of the allocated sites (FAV19 through FAV30) are located within Flood Zones 2 and 3 (with FAVs 22 and 25 also showing surface water flooding areas). Whilst the County Council notes specific requirements for these sites to consider the high risk of flooding with regards to providing suitable mitigation, the County Council would advise that it is expected for such mitigation to also include flood risk emergency plans. Specific guidance can be found [online](#) which the Town Council may wish to consider.

PRoW: The County Council welcomes the table of PRoW routes within the Rationale and Evidence. However, it is considered essential that these routes are included in Policy text. The County Council would recommend that the Neighbourhood Plan maximises opportunities to secure improvements to the PRoW network through development in the area. Attention is drawn to the following comments for policies FAV19 - FAV29 which were raised as part of the County Council's Regulation 14 consultation response which do not appear to have had due consideration:

#### FAV19 – Former Coach Depot, Abbey St.

PRoW: PRoW ZF39 and the England Coast Path (ECP) are on the site boundary. KCC recommends that the policy should highlight that development should have no adverse impact on these routes. Point 6 refers to “*a public walkway along the Creek edge*” and any future development should therefore, in partnership with KCC and Natural England, seek to vary the route of the ECP to the Creek edge, away from the existing alignment on Abbey Street.

#### FAV22 – The Railway Yard, Station Road

PRoW: The County Council recommends that reference is made to Public Footpath ZF24, which is within the site boundary. The County Council also understands that Swale Borough Council Active Travel is working on a project to improve the rail crossing and connectivity on this route into the Town Centre. The County Council is also seeking to secure s106 appropriate funding from developments for improved connection along this route into the Town Centre and the Recreation Ground. The County Council would therefore ask that the rail crossing safety is addressed in the Neighbourhood Plan, and these projects taken into consideration.

#### FAV25 – BMM Weston Ltd Parcel 1b & 1c

PRoW: The County Council notes that Public Footpath ZF40 is in close proximity to the south of the site. The County Council would recommend that the policy encourages development contributions towards improvements to the route. The ECP is adjacent to the site and KCC recommends that the policy should highlight that development should have no adverse impact on these routes.

FAV27 – BMM Weston Ltd Parcel 3

PRoW: Public Footpath ZF40 is directly affected by this proposal. It is recommended that the policy should include reference to encouraging development contributions towards footpath improvements as part of the “community uses” in light of new residential use.

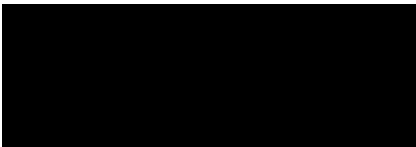
FAV29 – Other Sites – Kiln Court

PRoW: In respect of Kiln Court, the County Council recommends that the policy must address development contributions towards Public Bridleway ZF17 to improve pedestrian and cycle link onto Western Link.

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KCC would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours sincerely,



**Simon Jones**

Corporate Director – Growth Environment and Transport



## Growth and Communities

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6 October 2023

### BY EMAIL ONLY

Dear Sir / Madam,

### Re: Tenterden Neighbourhood Plan (2013–2030) - Regulation 16 Consultation

Thank you for consulting Kent County Council (KCC) on the Tenterden Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and for ease of reference, has provided comments structured under the chapter headings and policies used within the document.

#### **Section 2: Tenterden Today**

Heritage Conservation: The County Council considers that this section would benefit from a short review of Tenterden's historic development, including both the town and the rural areas. Much of what follows in the text is predicated on an understanding of Tenterden's historic character and landscape, including several policies, however, there is no information presented on this until the heritage section on page 38. It is suggested that a summary presented earlier on in the Neighbourhood Plan would help readers understand why policies on landscape character, green spaces, design and development, all of which are discussed before the heritage section, have been defined as they are.

#### **Section 5 Neighbourhood Plan Policies**

##### *Environment Objectives*

Heritage Conservation: The County Council supports the inclusion of the following objectives within the Neighbourhood Plan, as they ensure that the heritage within Tenterden is appropriately protected and fits into the wider development:

- *“To ensure development is well designed and takes into account the distinctive character and heritage of the Parish*
- *To conserve and enhance the distinctive heritage assets of the area”*

## **Environment Policies**

### *Landscape*

Heritage Conservation: The County Council acknowledges that the text correctly identifies the historic nature of the landscape within Tenterden. However, the individual historic features mentioned need to be considered as part of a whole, if their significance is to be appreciated and correct management decisions are made. The landscape that is visible today is the result of many centuries of evolution and the pattern of roads, tracks, field boundaries and hedgerows that gives the modern landscape its character is firmly rooted in the past. The [Kent Historic Landscape Characterisation](#) (2001) is a tool for understanding this historic context and should be used to inform decisions taken regarding the landscape character within the Ashford Borough. The County Council would recommend that this county level study is deepened to be more relevant at the district and local level, as with the Hoo Peninsula and Tunbridge Wells. The County Council would welcome further discussion on this matter to see how this can be taken forward for Tenterden.

### *Development in the countryside*

Heritage Conservation: The County Council recognises that the Tenterden parish has historically had a dispersed settlement pattern. Development between villages and hamlets and among farm buildings would, in many places, be consistent with the historic character of those areas. Historic England, along with the County Council and the Kent Downs Area of Outstanding Natural Beauty team, have published [guidance](#) on historic farmsteads in Kent. This guidance considers how rural development proposals can be assessed for whether they are consistent with the existing character of the countryside. The County Council would suggest that the Neighbourhood Plan identifies and references this guidance as part of its evidence base.

### *Policy TEN NP3 – Conserve and Enhance Biodiversity*

Biodiversity: The County Council would reiterate its comments made in the Regulation 14 consultation (Appendix A), which remain applicable.

Point (d) of this policy states – *“enhance habitats for wildlife on site, with a minimum 10% increase in habitat value for wildlife compared with the pre-development baseline;”*

The County Council recognises that this point is referring to Biodiversity Net Gain. The correct terminology should therefore be used to provide clarity for readers of the Neighbourhood Plan. It is also acknowledged that this point only discusses habitats for wildlife, however, it is all habitats that require a 10% increase in value under Biodiversity Net Gain. The County Council would therefore recommend that point (d) is replaced with the following:

- d) **Submit a Biodiversity Net Gain metric with all applications demonstrating a minimum increase in value of 10% in accordance with the Environment Act 2021.**

The County Council would also recommend that point (g) requires the inclusion of integrated enhancement features within all new buildings.

### *Heritage*

Heritage Conservation: The County Council welcomes the review of Tenterden's more recent heritage presented in this section, however, it is recommended that the review is presented earlier in the Neighbourhood Plan. The document contains many earlier references to the historic character of the town and countryside but until this point in the Neighbourhood Plan, there is no information to explain this. The County Council would therefore advise that this section is summarised as an introduction within section two. It is also recommended that the Neighbourhood Plan Steering Committee refers to a document produced by Kent County Council in 2004 'Historic Town Survey of Tenterden', which reviews the known archaeological data for the town. Although this document was issued in 2004, it is still relevant and can be found [online](#).

*Policy TEN NP4 - Design of New Development and Conservation and Policy TEN NP5 – Tenterden, St Michaels, Smallhythe and Reading Street Conservation Areas and their setting*

Heritage Conservation: The County Council welcomes these policies which will help ensure that the historic character of the built-up areas of Tenterden parish is conserved and enhanced appropriately.

### *Non-designated Heritage Assets*

Heritage Conservation: The County Council welcomes the consideration given to non-designated heritage assets. Such assets play a key role in the character of the Neighbourhood Plan area, whether in urban or rural contexts, and it is important that the development management process is used effectively to conserve and enhance them as indicated in the text.

*Policy TEN NP7 - Non-designated Heritage Assets*

Heritage Conservation: The County Council supports this policy, as it seeks to protect and enhance non-designated heritage assets.

### *Historic Routeways*

Heritage Conservation: The County Council supports the identification of historic routeways as a key element in the character of Tenterden parish. The routeways are best understood in the context of the historic landscape in which they lie, and the County Council would therefore recommend that an improved historic landscape characterisation is included in the text.

### *Policy TEN NP15 – Historic Routeways*

Heritage Conservation: The County Council is supportive of this policy, as it ensures that historic routeways and their character are not harmed.

### *Policy TEN NP16 – Public Rights of Way*

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure that its interests are represented within the local policy frameworks of the towns in Kent. The team is committed to working in partnership with town councils to achieve the aims contained within the County Council [Rights of Way Improvement Plan](#) (ROWIP). This aims to provide a high-quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

The County Council appreciates the changes made to the Neighbourhood Plan, in respect of its comments made at the Regulation 14 consultation (Appendix A).

The County Council recognises that the supporting text mentions the need for developer contributions through legal mechanisms, for example, section 106, for offsite improvements related to any new development. However, this must be included within the policy TEN NP16 itself to maximise opportunities for access to funding opportunities.

### *Policy TEN NP17 – Securing Infrastructure*

PRoW: The County Council recommends that this policy is amended to the following, to ensure that funding opportunities for the PRoW network are not missed:

“Sustainable transport measures serving new development which assist walking and cycling, **including the Public Rights of Way Network**; and”

## **Appendix 2 Non-designated Heritage Assets**

Heritage: The County Council recognises that the list of identified non-designated heritage assets within the appendix is very partial and only contains a small part (48) of the known non-designated assets of Tenterden. The [Kent Historic Environment Record](#) contains records of 149 non-Listed buildings, historic farmsteads and archaeological monuments in the parish, and many of these could have been included in the list proposed. A range of sites/buildings of significance within Tenterden can be included on the list, and some of these are provided below:

- Several 19<sup>th</sup> century former school buildings
- At least two milestones
- At least 90 historic farmsteads and outfarms
- Archaeological sites relating to former mills, windmills, brick and tile works and limekilns, ice houses and oast houses.

## **Appendix 3 Associated Projects**

### **Project Summary**

*Project Theme: Routeways and Transport*

PRoW: The County Council supports the projects outlined in this theme, and would welcome a discussion with the Neighbourhood Plan Steering Group to ensure that all funding opportunities are explored for the delivery of these projects.

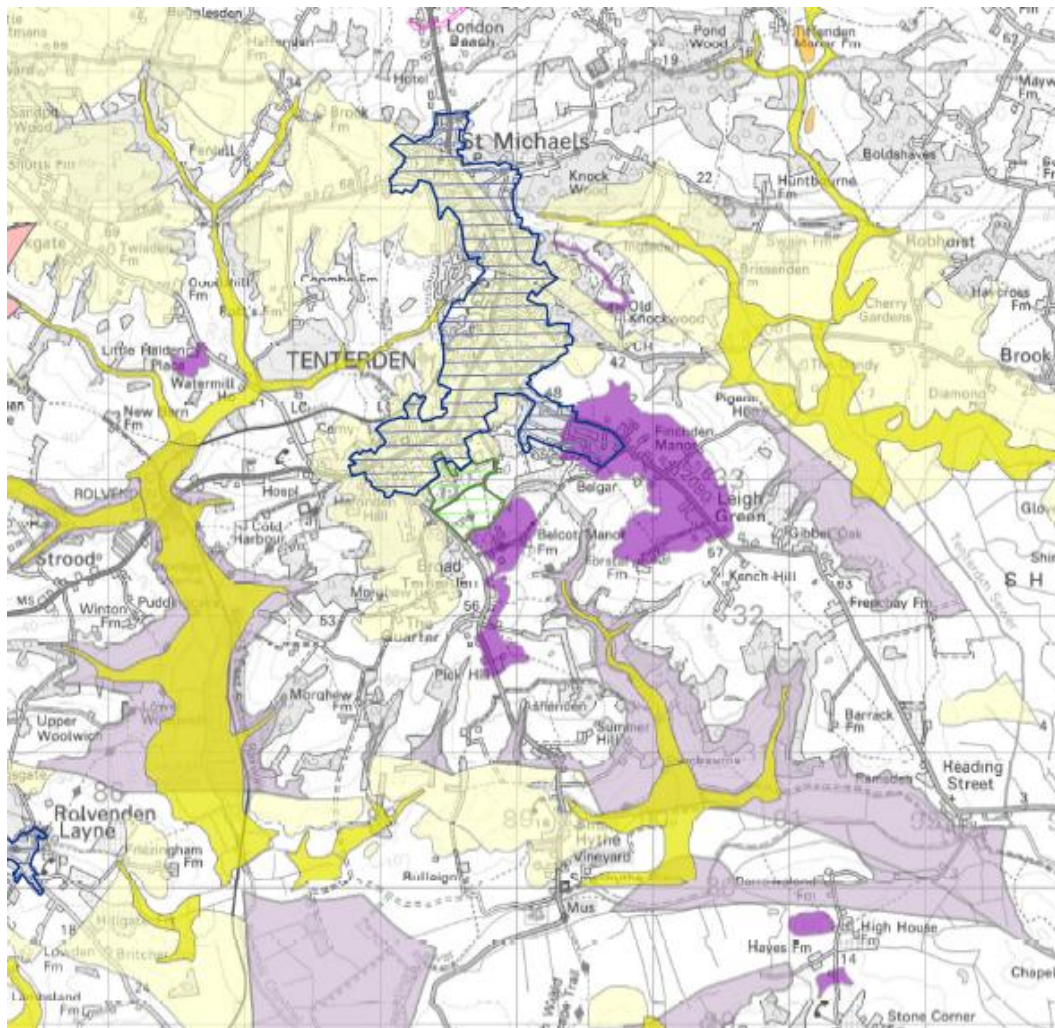
*Project Theme: Routeways and Transport and Project Theme: Transport Infrastructure*

Highways and Transportation: The County Council, as Local Highway Authority, notes that the list of suggested routeways and transport (numbers 1, 2, 6, 11, 12, 13, 16, 18 and 22) and transport infrastructure projects (numbers 1, 2, 4 and 5) need to form part of Tenterden Town Council's Highway Improvement Plan. This will ensure consideration by the County Council's Highways and Transportation Highway Improvements Team.

### **Additional Comments:**

PRoW: As the Local Highway Authority, the County Council must be directly involved in future discussions regarding projects that will affect the PRoW network. The County Council can then advise on the design and delivery of these projects, ensuring that new routes successfully integrate with the existing PRoW network. Future engagement is therefore welcomed to consider the local aspirations outlined in the Neighbourhood Plan for access improvements and potential funding sources for the delivery of these schemes.

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, can confirm that the Neighbourhood Plan area does not have any safeguarded minerals or waste management facilities. However, it does have safeguarded land-won minerals, as shown below in an extract from the Ashford Borough Council Mineral Safeguarding Area Proposals Map from the adopted [Kent Minerals and Waste Local Plan](#) 2013-2030 (Early Partial Review 2020):



- Sub - Alluvial River Terrace Deposits
- Sandstone - Wadhurst Clay Formation
- Sandstone - Ardingly Sandstone
- Sandstone - Ashdown Formation

Whilst the Neighbourhood Plan proposals do not affect these deposits, the County Council would recommend that reference is made to the presence of these minerals, as they would act as a constraint on future development in the locality, either as future local plan allocations or speculative sites.

### **Supporting Documentation**

#### **Evidence Base - Routeways**

**PRoW:** The County Council supports this evidence base, however, would advise specific inclusion of the County Council ROWIP, a statutory policy document which outlines the PRoW objectives of the County Council.

The ROWIP sets out a strategic approach for the protection and enhancement of PRoW, connecting the wider community and green open spaces. Inclusion of the ROWIP facilitates

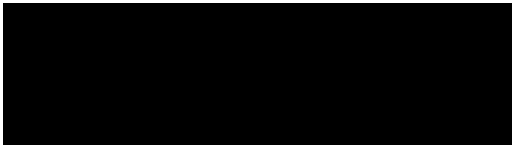


partnership working to achieve the aims of local councils and the County Council, and this document should therefore be referenced within the Neighbourhood Plan.

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KCC would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours faithfully,



**Stephanie Holt-Castle**  
Director for Growth and Communities

Encs:

Appendix A: KCC Response to Tenterden Neighbourhood Plan Regulation 14 Consultation

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