

PLANNING APPLICATIONS COMMITTEE

Monday, 15th July, 2024

10.00 am

Council Chamber





AGENDA

PLANNING APPLICATIONS COMMITTEE

Monday, 15th July, 2024, 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 J Carey, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, 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. Apologies
2. Declarations of Interest
3. Minutes (Pages 1 - 2)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE APPLICATIONS

1. Item C1 - Stabilisation and restoration of Covers Farm Quarry using imported engineering materials to restore the site to grassland, including landscape planting and an ecological receptor area together with a temporary road and ancillary buildings at Covers Quarry, Westerham, Kent – SE/18/3435 (KCC/SE/0495/2018) (Pages 3 - 118)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 119 - 120)
2. County Council developments (Pages 121 - 122)
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 123 - 124)
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 125 - 126)

F. KCC RESPONSE TO CONSULTATIONS

1. F1 - Consultation on planning application EDC/22/0168 - Proposed development at Land adjacent to Ebbsfleet International Railway Station, Thames Way, Ebbsfleet (Pages 129 - 138)
2. F2 - KCC Government Consultation Response on an Accelerated Planning System April 2024 (Pages 139 - 156)
3. F3 - Canterbury City Council Local Plan Regulation 18 Consultation (Pages 157 - 186)
4. F4 - Dover District Local Plan 2040 – Main Modifications Consultation (Pages 187 - 188)
5. F5 - Consultation on the Draft Royal Tunbridge Wells Town Centre Plan – Vision 2040 (Pages 189 - 194)
6. F6 - Consultation on the Draft Wealden (Regulation 18) Local Plan (Pages 195 - 198)
7. F7 - Consultation on planning application 21/503914/EIOUT - Proposed development at land south and east of Sittingbourne (Pages 199 - 262)
8. F8 - Consultation on planning application 21/503906/EIOUT - Proposed development at land to the west of Teynham, London Road, Teynham (Pages 263 - 328)
9. F9 - Written Statement to the Tunbridge Wells Local Plan Examination – Stage 3 Matters, Issues and Questions (Pages 329 - 442)
10. F10 - Consultation on planning application 24/00372/PA – Proposed development of land to west of Hermitage Lane and East of Kiln Barn Road (Pages 443 - 488)

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

Friday, 5 July 2024

(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, 17 April 2024.

PRESENT: Mr A Booth (Chairman), Mrs R Binks, Mr I S Chittenden, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Ms J Meade, Mr O Richardson, Mr C Simkins, Mrs L Parfitt-Reid and Mr D Robey

ALSO PRESENT: Mr M Hood

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications), Ms M Green (Principal Planning Officer), Ms S Bonser (Legal Commissioner and Head of the Planning & Highways Team), Mrs L Cook (Senior Planning Officer) and Ms Tamboo (Principal Solicitor) and Ms E Kennedy (Clerk)

UNRESTRICTED ITEMS**1. Apologies**

(Item A1)

Apologies were received from Mr Rayner for whom Mrs Parfitt-Reid was present, Miss Carey for whom Mr Robey was present and from Mr Harman.

2. Minutes of the meeting on 20 March 2024

(Item A3)

RESOLVED that the minutes of the meeting held on 20 March 2024 were correctly recorded and that they be signed by the Chairman. Mrs Thompson advised that the draft validation and guidance documents referred to in Paragraph (3) of the minutes are currently out to public consultation.

3. Site Meetings and Other Meetings

(Item A4)

Mrs Thompson advised Members that there would be a training session on Biodiversity Net Gain following the conclusion of the meeting's business.

4. D1 - New replacement outdoor cricket practice facility at The Judd School, Brook Street, Tonbridge, Kent, TN9 2PN –TM/23/3249 (KCC/TM/0200/2023)

(Item D1)

1) Mary Green, Principal Planning Officer outlined the report.

2) Mr Hood addressed the committee as Local Member.

3) Further to debate, it was proposed by Mr Richardson and seconded by the Chair:

That the officer's recommendation be adopted, namely:

The application be referred to the Secretary of State for Levelling Up, Housing and Communities to consider the Sport England objection, and SUBJECT TO his decision, planning permission to be granted, subject to conditions.

4) Upon being put to the vote, the motion was declared CARRIED.

5. County matter applications

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the meeting on 20 March 2024 relating to:

E1 County matter applications.

6. County Council developments

(Item E2)

RESOLVED to note matters dealt with under delegated powers since the meeting on 20 March 2024 relating to:

E2 County Council developments.

7. 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 20 March 2024 relating to:

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

8. 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 20 March 2024 relating to:

E4 - Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

SECTION C
MINERALS AND WASTE MANAGEMENT

Background Documents - the deposited application documents; views and representations received as referred to in the reports and included in the application file for each case; and other documents as might be additionally indicated.

Item C1

Stabilisation and restoration of Covers Farm Quarry using imported engineering materials to restore the site to grassland, including landscape planting and an ecological receptor area together with a temporary road and ancillary buildings at Covers Quarry, Westerham, Kent – SE/18/3435 (KCC/SE/0495/2018)

A report by Head of Planning Applications Group to Planning Applications Committee, July 2024.

Application by Morants Promotions Ltd for stabilisation and restoration of Covers Farm Quarry using imported engineering materials to restore the site to grassland, including landscape planting and an ecological receptor area together with a temporary road and ancillary buildings at Covers Quarry, Westerham, Kent – SE/18/3435 (KCC/SE/0495/2018)

Recommendation: Permission be REFUSED

Local Member: Mr Nick Chard

Classification: Unrestricted

Site and surroundings

1. The application site, a former sand quarry, is located adjacent and south of the M25 to the west of Westerham and extends over 28 hectares (although the application site including the proposed haul road extends to approximately 46 hectares).
2. The area of former extraction comprises two pits occupying the northern and southern parts of the main site, the southern area having been restored to some extent. The pits are about 30 metres and 15 metres deep, respectively. It is understood that whilst water levels in the northern pit are rising, levels in the southern pit are stable and are assumed to be in continuity with groundwater in the Folkestone Beds.
3. An elevated area of land between the two pits exists at about 130m AOD, from where the topography rises to approximately 140m AOD at the eastern and western boundaries and falls to around 125m AOD at the southern boundary.
4. The sand pits have developed a mosaic of unmanaged habitats, including broadleaved semi-natural woodland, typically with birch as a pioneer species; scrub and ruderal vegetation; grassland; bare ground and ephemeral vegetation; and standing water. The eastern part of the site, outside the area of former sand extraction, comprises a series of fields under improved grassland, ranging in elevation between 110-120m AOD.

Stabilisation and restoration of Covers Farm Quarry using imported engineering materials at Covers Quarry, Westerham, Kent - SE/18/3435 (KCC/SE/0495/2018)

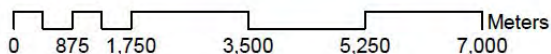
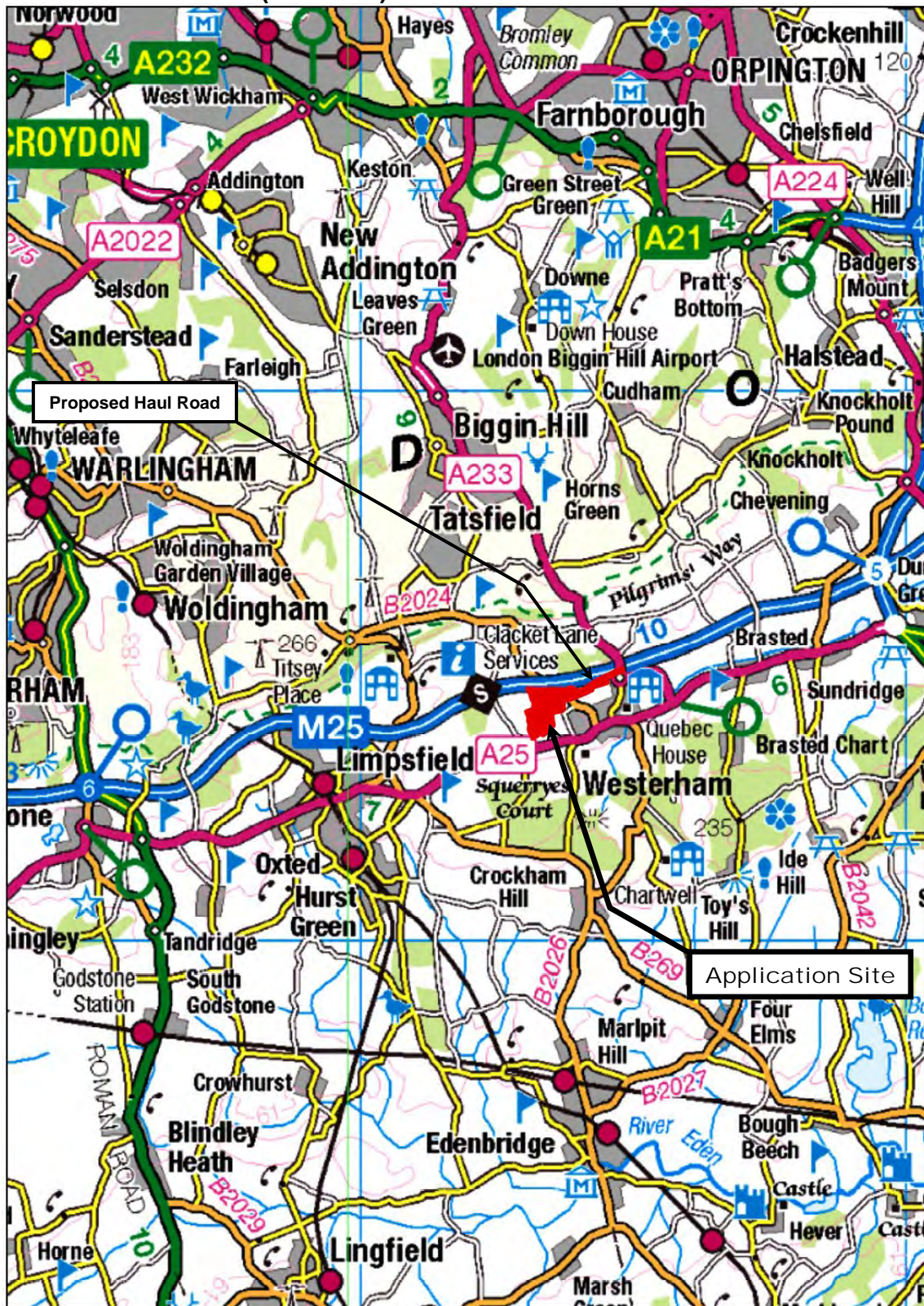
5. Current access to the pit is from the A25 to the south through a gated entrance and along a track which runs north-east towards the pit. Public Right of Way SR338 runs along the northern and eastern boundaries of the northern pit, having been diverted some years ago before sand extraction took place and exits onto Clacket Lane.
6. The site lies within the Metropolitan Green Belt (MGB) and within the Kent Downs National Landscape Area (formerly Area of Outstanding Natural Beauty), which continues over the County border into Surrey where it becomes Surrey Hills National Landscape. The site is located within the National Landscape Character Area 120: Wealden Greensand and the Upper Darent Valley (West) Sevenoaks Landscape Character Area. The eastern part of the site adjoins the Westerham Wood SSSI, which comprises Gault Clay Ancient Woodland. The eastern boundary of the site adjoins the Farley Common Local Wildlife site, which comprises a mosaic of grassland and oak woodland.
7. The Folkestone Sands are a Principal Aquifer, and the southern part of the site lies within the Source Protection Zone associated with the Westwood pumping station, which is located 530m west of the site and provides potable supply. The site lies within the catchment of the River Darent, which is located about 300m to the south.
8. An Air Quality Management Area (AQMA) covering Westerham Town Centre runs the entire length of the A25 from the border with Tonbridge and Malling in the east to Tandridge in the west. The M25 corridor is also an AQMA, and the northern extent of the site lies within this AQMA.

Drawings / Plans

9. The pages below include a general site location plan, site location plan and a constraints plan. Further drawings and plans showing the existing site and proposed development are included in Appendix 1; these include:
 - Aerial Photo – September 2021 and Historic Aerial Photo – October 2006;
 - Application Plan;
 - Existing Site Plan (Site Contours);
 - Composite of Approved Restoration Plans for Northern and Southern Quarry Areas;
 - Proposed Restoration Plan;
 - Illustrative Cross Sections (As Existing);
 - Illustrative Cross Sections (Showing Restored Landform);
 - Illustrative Route of Internal Access Road (East) – Including Access Point onto Public Highway;
 - Illustrative Route of Internal Access Road (West);
 - Croydon Road Crossing and Temporary Construction Compound Details;
 - Illustrative Progressive Phased Restoration Plans (proposed areas of excavation, regrading, engineering and infill works across the site); and
 - Potential sources of infill material with proposed access routes to site (Source Zones A-E).

Stabilisation and restoration of Covers Farm Quarry using imported engineering materials at Covers Quarry, Westerham, Kent - SE/18/3435 (KCC/SE/0495/2018)

General Location Plan (Indicative)

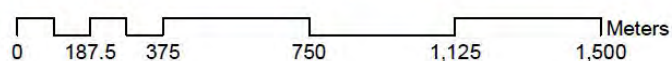


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Stabilisation and restoration of Covers Farm Quarry using imported engineering materials at Covers Quarry, Westerham, Kent - SE/18/3435 (KCC/SE/0495/2018)

Site Location Plan (Indicative)

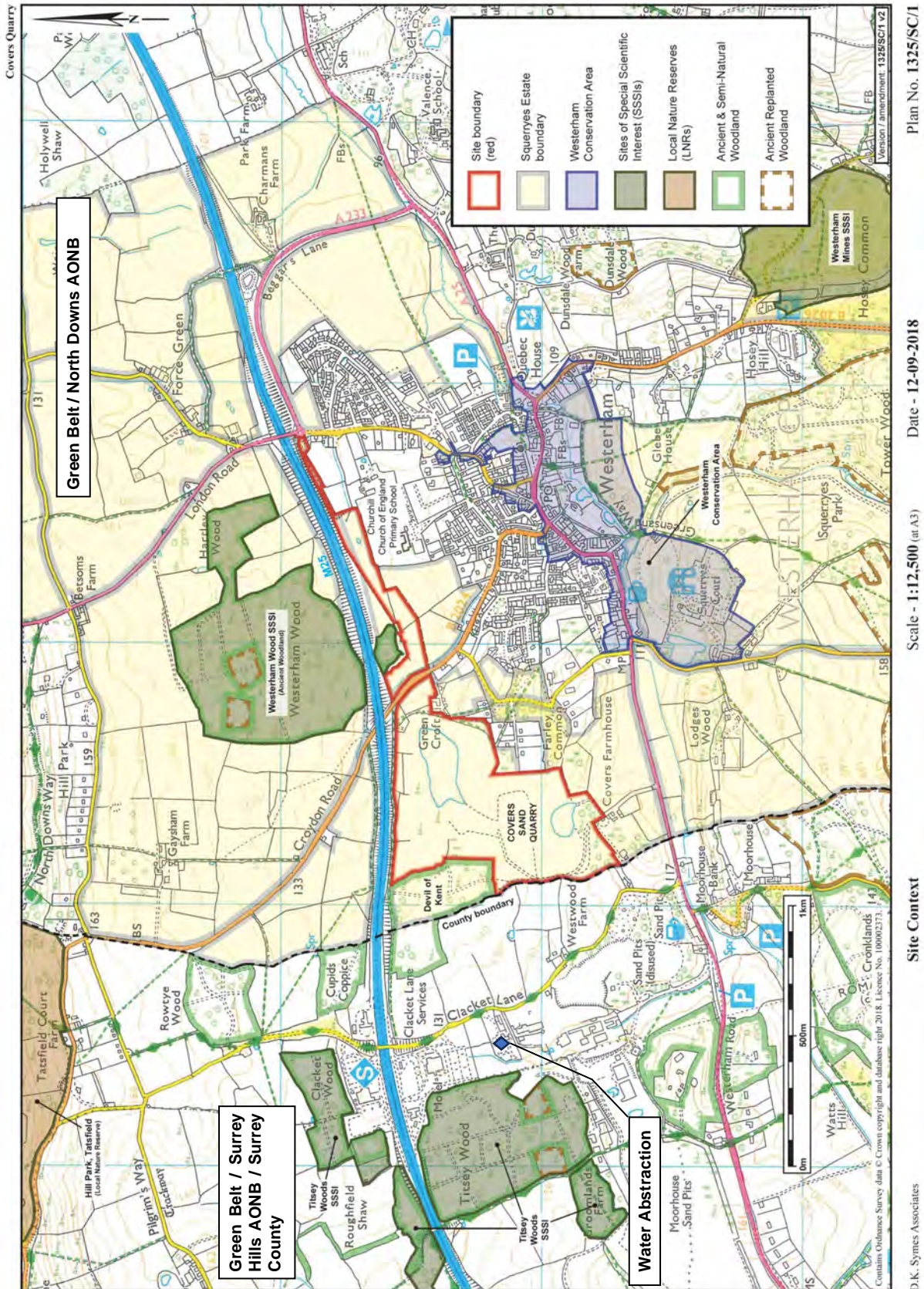


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Stabilisation and restoration of Covers Farm Quarry using imported engineering materials at Covers Quarry, Westerham, Kent - SE/18/3435 (KCC/SE/0495/2018)

Constraints Plan



Stabilisation and restoration of Covers Farm Quarry using imported engineering materials at Covers Quarry, Westerham, Kent - SE/18/3435 (KCC/SE/0495/2018)

Background / Recent Site History

10. There was a brick and tile works at Covers Farm from around the 1870s, with the extraction of sand from the Folkestone beds, progressively expanding into the southern part of the site from the 1890s. The brick and tile works had disappeared by the 1930s, but sand extraction in southern area continued, creating a large oval pit. By the 1950s a tile works had been built at Moorhouse, to the west, and during the 1970s the pit had been partially backfilled with clay overburden and waste from tile making. Some restoration of the southern pit appears to have taken place, although not totally in accordance with the approved restoration plan dated June 1981.
11. Sand extraction on the northern part of the site began in the late 1980s (under consent SE/83/1511) to supply the Moorhouse works, where the Folkestone Bed sands are overlain by Gault Clay. As the geological 'dip' of the strata is to the north, the depth/thickness of the Gault Clay increased as the quarrying activities progressed northwards. This resulted in the removal of extensive Gault Clay overburden (up to 20 metres) to recover the sand beneath. Sand extraction ceased around 2008. A restoration scheme for the northern part of the site was approved (which overlapped with the approved restoration area to the south).
12. Restoration responsibilities – Redland Ltd were granted a lease upon the site to extract minerals in the 1950/60s. Redland was a major quarry operator as well as a manufacturer of concrete roof tiles with a large production factory at Moorhouse, adjacent to Covers Quarry. It is understood that sand from the quarry was almost exclusively used to maintain a supply to the factory. In September 2002, Redland Roofing Systems Limited applied to allow restoration to be completed later than approved. The case put forward stated that whilst the extraction of sand was expected to be completed within the 20-year extraction time period, stockpiles of extracted mineral were left to be taken off-site and so restoration was not expected to commence until 2012. Permission was granted to allow completion of restoration by 30th April 2014.
13. Monier Ltd acquired Redland in 2008 and around the same time quarrying works ceased. As Covers Quarry was closely linked to the Moorhouse works, responsibility for it was also transferred to Monier as part of the acquisition. Monier Redland Ltd applied to further extend restoration until 31st October 2015 when the Applicant cited practical reasons for not being able to complete restoration within the previously approved period.
14. The Applicant explains that Monier (principally a tile manufacturer in many countries) did not have experience in quarrying or restoration although they accepted that they had a responsibility to restore the application site in accordance with their planning permission. The County Council was clear that the leaseholder had a duty to restore the site and encouraged them to do so, but with little progress.
15. In 2015 Monier sought permission again to extend the time period for completion of restoration works, until 31st October 2017 which was approved. Given the lack of progress with restoration and arising from discussions between Monier and the Squerryes Estate was the proposal that the restoration responsibilities be taken back in hand by the Estate, who have a long-term interest to ensure that it is carried out responsibly and to a standard to make the site safe and suitable for agricultural

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management. In addition, the Estate remain liable for any structural issues. Following a lengthy period of legal negotiations responsibility for restoration of the quarry was transferred in May 2017 to Morants Promotions Ltd, a company owned/controlled by the Squerryes Estate.

16. Appendix 2 sets out the historical planning applications and some more recent permissions. Restoration requirements were agreed by applications SE/75/01088B and SE/83/01511 and various consents were granted to allow further periods of time for restoration. KCC/SE/0233/2019 seeks a further period to enable an extension of time to restore the quarry until 31 October 2021. The application is being held in abeyance pending the outcome of the current application on the basis that if permission is not granted for the infilling it will be necessary to secure the restoration of the quarry in accordance with a revised solution.
17. Extant scheme - It is understood that the approved restoration plan (for the northern area) is Plan 379/27B dated August 1983 and the original scheme was summarised by the Applicant in a Technical Note (3 June 2016) produced prior to this submission as:
- All material to be sourced from site with no import or export of materials, i.e., it was to be a balanced cut and fill earthworks scheme.
 - Material predominantly excavated from the central and southern area of the site and to be placed and compacted in the north.
 - The finished ground levels for the restoration to be between 110m and 140m AOD.
 - The majority of the fill material to restore the northern area to come from the central area. The restoration specification assumed that it comprised mainly Gault Clay fill with small amounts of superficial head deposits (fill) and reject sand and possibly broken roof tiles.
 - Head deposits are predominantly fine to coarse angular flint within a silty clay matrix., to be used in fill in the areas with slope gradient steeper than 1:5.
 - No gault clay slopes to be steeper than 1:5.
 - No slopes steeper than 1:4 in all other materials
 - Gault Clay not to be used in the upper 3m of the restoration on sloping ground.

It should be noted that there was not a significant lake in situ on the site at the time of the design of this scheme. Details of the approved scheme are available in Appendix 1.

Proposal

Principle Objectives

18. The Applicant states the proposed restoration is similar to the existing 1983 scheme but with the following main objectives:
- To create a similar landform and restoration ground surface topography with the aim to create shallow and stable slope gradients of no greater than 1 in 5.5 (approx.10°).
 - To avoid dewatering the northern lake and further destabilising the surrounding north and south facing slopes, thus avoiding risks to the M25 and other third-party

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infrastructure.

- To provide effective drainage for surface water.
- To ensure the water level in the Southern Lake does not rise above 123mAOD and threaten increasing risk of flooding to the A25 Westerham Road and River Darent. Similarly, to take advantage of the permeable sand horizons that outcrop on the southern margin of the southern lake, the water level should not fall below 118mAOD to avoid excessive excavation and steepening of slopes.
- To create a wetland habitat between the northern and southern lakes.
- To restore the land to agricultural use with areas for natural flora and fauna.
- Latterly the need to address the health and safety issues regarding trespass onto the site to access the northern lake for leisure purposes is a further driver put forward by the Applicant for the proposed scheme.

Proposal Details

19. The new scheme the subject of this application proposes the importation of 800,000 cubic metres of inert material to achieve final restoration which would be secured from construction and demolition sites in Southeast London and would take 5-6 years to complete. The Applicant submits that the primary objective of the proposed development is to provide an engineering design that would stabilise the quarry at the same time as resulting in restoration to an appropriate landform enabling an acceptable after use. It is also stated that the northern void is filling with water, which in the absence of intervention could spill over onto adjoining land and become a flood risk to adjacent roads and Westerham town itself. A further objective is therefore to ensure that the restored landform includes a sustainable drainage system.
20. The proposed restoration strategy covers the whole site and as set out in the application is to construct a framework of structural embankments within the northern void, dividing it into a series of cells. With the embankments supporting the side-slopes, the cells would be progressively filled and dewatered by pumping to the southern void. The final landform would comprise two gently crowned areas either side of a naturalistic valley that would slope towards the southern void, where surface water run-off would collect and be controlled via series of flood storage areas as it travels southwards and into the Folkestone Beds via an infiltration basin at the southern lake. Most of the site would be restored to grazing land with additional planting whilst an un-disturbed area to the north-west would be retained for ecological mitigation purposes.
21. The proposed operations would re-use some existing material within the site, which mainly comprises clay and tile waste. However, it is argued that much of this material is unlikely to be of the required engineering quality, and therefore a substantial amount of additional material would need to be imported. The scheme proposes the importation of some 0.8 million cubic metres of suitable inert engineering material as well as the internal movement of some mineral waste that is present in the quarry. The importation of the engineering material would involve some 150-200 lorry movements a day. The fill material is expected to be obtained from major construction projects in London and the South-East and would be brought to the site by road. A temporary haul road with grassed bunds is proposed with a new access from Beggars Lane roundabout, and a crossing point across Croydon Road into the quarry. A compound area including load inspection cabin, parking, fuel storage, wheel cleaning facilities and a welfare cabin would be located in the northeastern part of the field

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which lies to the west of Croydon Road. The haul road, compound and bunds would be removed, and the land restored upon completion of the restoration works.

22. The application states that the quality of the engineering material would be assessed at source at the construction sites and be constantly monitored; and it would be covered by the Environmental Permit process requiring the following:
 - all sources of material to be assessed for suitability before being accepted;
 - the material would have an agreed specification;
 - it would be visually inspected on arrival at the site;
 - further inspected when tipped and spread;
 - any 'unacceptable material to be rejected or placed in a quarantine area;
 - loads would be randomly quality checked; and
 - only account holders would be accepted.
23. It is stated that the need for risk assessments and method statements for the deposition of (a) site-won fill and (b) imported fill would be set out in a Material Management/Waste Recovery Plan that would be prepared and agreed with the EA (as part of the permit) before restoration operations of the site commences. Details of the suitability of materials for placement underwater and their testing would be included in this plan.
24. The Public Right of Way (PROW), which historically crossed the site between Farley Common and Devil of Kent Wood before it was diverted to enable mineral extraction, would be reinstated across the site once restored. It currently lies in the north of the site and runs parallel to the M25.
25. The ecological reception area to the north-western part of the site would be used to translocate protected species prior to works and would be enclosed within new native hedgerow linking to nearby woodland, using species beneficial to dormouse. A District Level License application for Great Crested Newts has been submitted to Natural England, the license focuses on habitat compensation and covers creation or restoration of off-site ponds based upon the predicted impact of the proposed development. Additional woodland planting is proposed to reinforce the perimeter vegetation adjoining the boundary with the PROW and the M25, and around the southwest of the southern lake. Wetland habitat would be created in the central valley proposed as part of the restoration for the site using low-nutrient soils and appropriate seed mix, together with new planting. Long term enhancement of the biodiversity of the site would also be undertaken around the proposed flood storage areas with aquatic planting to minimise silting and soil erosion, as required by ecological specialists. Further ecological assessment has been made in relation to the proposed infiltration system around the southern lake area (see further information below). A formal 5-year aftercare scheme is proposed. The application proposes the submission of an Environmental Management Plan to be secured via a condition.
26. The Applicant proposes the submission of a Construction Environmental Management Plan following any grant of permission to include a groundwater and gas monitoring scheme to monitor potential contamination concentrations and leaching potential.
27. The proposed hours of operation are 0730-1800 Monday to Friday and 0730-1300 on Saturdays with no working on Sundays or Bank/Public Holidays. The application

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proposes the submission of a Traffic Management Plan, to be secured via a condition should planning permission be granted.

28. The overall period of works is anticipated to be 5-6 years.
29. The County Planning Authority is also in receipt of a separate application for an extension of the restoration period for the quarry as a whole under the extant planning permission (SE/17/3218, and subsequent amendments SE/83/1511, SE/96/903 and SE/02/1636), this application has been in abeyance pending the outcome of the restoration application.

Further information

30. Following consultation on the initial submission and in response to issues raised, further information in relation to the application and environmental statement have been submitted. As required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the additional submissions have been advertised and consultees re-consulted.
31. The further information covered additional geotechnical and geo-environmental assessment (including in relation to the haul road), further ecological information, surface water drainage, and traffic routeing. Some additional historical restoration plans were submitted as well as updates to some plans already forming part of the application.

Addendum to the Environmental Statement (ES)

32. Chapter 5 of the original ES addressed some alternatives. However, an addendum considering a 'do nothing' option (1), different engineering options (2) and differing fill quantities of 300,000 cubic metres (3), 600,000 cubic metres (4), the current proposal of 800,00 cubic metres (5), and 1 million cubic metres (6), was submitted in January 2021. As required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the additional submission has been advertised and consultees re-consulted.
33. The addendum concluded that options 1, 2, 3 and 4 do not meet the key objectives to provide sustainable solutions to the land stability and flooding risks (and surface water drainage) to the site and surrounding area. It argues that leaving these risks unresolved is not an option, and these alternatives have therefore been dismissed as failing the test of reasonableness. In addition, it states that significant concerns have been raised about the feasibility and cost-effectiveness of the "no fill" option of using an engineered solution to provide slope stability rather than imported material.
34. It is argued that option 6 (1 million cubic metres) performs better than the proposed scheme subject of this application (800,000 cubic metres) in relation to flood risk and land stability. The addendum states this is essentially because the additional fill material allows a further raising of the site (by approx..1 metre), so as to provide a more nuanced relationship between the two waterbodies, and thereby a more resilient drainage scheme. However, it is acknowledged in the addendum that the additional fill required by option 6 would prolong the duration of site works, use of the haul road and the impact of HGV traffic and amenity impacts, whilst the benefits of the restored site

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would not be materially different. The addendum argues that the proposed scheme (option 5) was chosen because it provides a sustainable solution to the land stability and surface water drainage, whilst optimising the benefits from the restored site and reducing the adverse effects during construction to a practicable minimum.

35. A Technical Note was produced in March 2021 by the Applicant to address a request for further information by the Environment Agency and gives more detail of the sourcing and management of the fill material for the proposed scheme as follows:
- The need for risk assessment and method statements for the deposition of (a) site-won fill and (b) imported fill material would be set out in a Material Management/Waste Recovery Plan that would be prepared and agreed with the EA before restoration operation of the site commences.
 - Only inert waste would be used for site restoration. It should be noted that sampling and testing of all fill material, including the tile waste, has not identified any contamination of concern to date. The tile waste is classified under EU Waste Code EWC 10 12 28 – Absolute Non-Hazardous material. It is intended that tile waste will be recovered where practical and used to form temporary haul roads.
 - All potential imported fill would be tested at source and only suitable inert waste would be transported to site. Should for any reason unsuitable material be discovered on site, whether site won or imported, procedures would be in place to isolate such material and remove it from site.
 - Material to be deposited below the water table would comprise suitable inert material. Such inert materials may comprise natural materials and/or construction demolition waste. Details of tests to be undertaken and suitability criteria will be set out in the Materials Management/Waste Recovery Plan;
 - A minimum basal layer of natural or re-worked Gault Clay and a minimum thickness of 2m would be left insitu as a hydraulic barrier for groundwater protection in the underlying Folkestone Sand Formation. This hydraulic barrier is currently in place over much of the site and would remain undisturbed during site restoration. The only exception to this is beneath the north and south lakes where there is little or no clay basal layer. The lakes, however, are to be recontoured as part of the restoration and new basins created at which time, they would be lined with clay to retain surface water as part of the surface capping and landscaping of the site.

Further additional Information

36. An updated drainage strategy and transport statement were submitted in August 2022. Following further ground investigation to verify the design capability of the infiltration basin a further drainage assessment was submitted in April 2023 and provides an outline design of the infiltration basin and in-line flood storage areas. Additional earthworks and cut and fill drawings were submitted along with a statement of conformity with the Environmental Statement. At the same time a review of the proposed ecological/landscaping was submitted by the Applicant. The Ecological Impact Assessment considered the removal of woodland and impacts upon habitat/protected species that would be required to accommodate the revised surface water strategy involving a new infiltration basin on the south- eastern corner of the southern lake. These submissions have been publicised and consulted upon.
37. In April 2024 the Applicant submitted further information including a document

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presenting the minimum volume of fill required to satisfy the three issues of land stability, site drainage and restoration land use, a Green Belt Statement, an updated Noise chapter of the ES and letter from the applicant's acoustic consultants, and a further Statement of Conformity with the ES. The update noise chapter of the ES was initially omitted from the bundle of documents. These submissions have also been publicised and consulted upon.

38. These latter documents identify the need to address the health and safety issues regarding trespass onto the site to access the northern lake for leisure purposes as a further driver for the proposed scheme.

Planning Policy

39. **National Planning Policy Framework (NPPF) (Dec 2023)** sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making.
40. The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapter 2 (Achieving sustainable development), Chapter 6 (Building a strong, competitive economy), Chapter 8 (Promoting healthy and safe communities), Chapter 9 (Promoting sustainable transport), Chapter 11 (Making effective use of land), Chapter 12 (Achieving well designed and beautiful places), Chapter 13 (Protecting Green Belt land), Chapter 14 (Meeting the challenge of climate change, flooding and coastal change), Chapter 15 (Conserving and enhancing the natural environment), Chapter 16 (Conserving and enhancing the historic environment), Chapter 17 (Facilitating sustainable use of minerals), are of particular relevance.
41. The NPPF seeks local planning authorities to approach decisions on proposed developments in a positive and creative way and states decision-makers at every level should seek to approve applications for sustainable development where possible.
42. **National Planning Practice Guidance (NPPG) (July 2019 (as updated))** supports the NPPF including guidance on planning for air quality, biodiversity net gain, climate change, flood risk and coastal change, green belt, healthy and safe communities, historic environment, land stability, light pollution, minerals, natural environment, noise, open space, sports and recreational facilities, public rights of way, transport and waste.
43. **National Planning Policy for Waste (NPPW) (October 2014):** The NPPW should be read in conjunction with amongst other matters the NPPF and national waste strategy for England - Our Waste, Our Resource (see below). It recognises the need to drive the management of waste up the 'Waste Hierarchy' and the positive contribution that waste management can bring to the development of sustainable communities. It recognises that planning plays a pivotal role in delivering this country's waste ambitions through amongst other matters helping to secure the recovery of waste without endangering human health and without harming the environment.
44. **Our Waste, Our Resources: A Strategy for England 2018:** This document sets out

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how the government wishes to preserve our stock of material resources by minimising waste, promoting resources efficiency and moving toward a circular economy. At the same time, it is intended to minimise the damage caused to our natural environment by reducing and managing waste safely and carefully and tackling waste crime. It seeks to eliminate avoidable plastic waste over the lifetime of the 25 Year Plan, doubling resource productivity, and eliminating avoidable waste of all kinds by 2050.

45. **Waste Management Plan for England (WMPE) 2021:** The key aim of the WMPE is to help achieve the Government's objective of moving towards a zero-waste economy as part of the transition towards a sustainable economy. It also promotes the waste hierarchy as a key component of sustainable waste management, the hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery and last of all disposal (landfill).
46. **The Circular Economy Package Policy Statement, 2020**
The plan sets out targets to recycle 65% of municipal waste by 2035 and to have no more than 10% municipal waste going to landfill by 2035. This is achieved through restricting materials that can be landfilled or incinerated and requires recycled waste to not be incinerated or sent to landfill. The Circular Economy Package ensures we go further and faster to reduce, reuse and recycle.
47. **A Green Future: Our 25 Year Plan to Improve the Environment 2018:** The Government's environment plan sets out goals for improving the environment, within a generation, and leaving it in a better state than we found it. It details how the government will work with communities and businesses to do this. It sets out what will be done over the next 25 years across a number of fronts:
- clean air,
 - clean and plentiful water,
 - thriving plants and wildlife,
 - a reduced risk of harm from environmental hazards,
 - using resources from nature more sustainably and efficiently,
 - enhanced beauty, heritage, and engagement with the natural environment,
 - mitigation and adapting to climate change,
 - minimising waste,
 - managing exposure to chemicals,
 - enhancing biosecurity.
48. Other relevant documents include Clean Air Strategy (2019), Noise Policy Statement for England (2010) (NPSE) and Planning Practice Guidance on Flood Risk and Coastal Change (2022).

Development Plan Policies:

49. **Kent Minerals and Waste Local Plan (KMWLP) 2013 – 2030 (September 2020):** As set out in the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that policies in local plans should follow the approach of the presumption in favour of sustainable development. The KMWLP is therefore founded on this principle. It is relevant to consider both minerals and waste policies as the proposal, whilst for the restoration of a former mineral site, proposes restoring the site using imported fill material from

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- construction and demolition projects. Policies CSM1 and CSW1 state the Council will take a positive approach that reflects the presumption in favour of sustainable development as set out and supported by National Policy for mineral and waste related development.
50. Policy CSW2 recognises that to deliver sustainable waste management solutions for Kent any proposal should demonstrate how they will help drive waste up the waste hierarchy whenever possible.
 51. Policy CSW 6 guides the location of built waste management facilities. Policy CSW7 provides a strategy for the provision of new waste management capacity for non-hazardous waste that assists Kent in continuing to be net self-sufficient. The policy will increase the provision of new waste management capacity for recovery while recognising the need to drive waste up the waste hierarchy. It seeks that recovery of by-products and residues is maximised and that energy recovery is also maximised (utilising both heat and power).
 52. Policy CSW11 states planning permission for the disposal of inert waste will be granted where; it can be demonstrated that the waste cannot be managed in accordance with the objectives of Policy CSW2; it is for the restoration of landfill sites and mineral workings; environmental benefits will result from the development, in particular the creation of priority habitat; sufficient material is available to restore the site.
 53. Policy DM1 requires that development proposals are designed to minimise greenhouse gas emissions and other emissions, minimise energy and water consumption and incorporate measures for recycling and renewable energy technology and design in new facilities where possible. It seeks to maximise the re-use or recycling of materials, utilise sustainable drainage systems, protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary, compensate for any predicted loss, as well as minimising the loss of Best and Most Versatile Agricultural Land.
 54. Policy DM2 of the KMWLP states that proposals for development must ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national or local importance unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit. Particularly relevant is the protection afforded to AONB's where the presumption is against development except in exceptional circumstances and where it can be demonstrated that it is in the public interest. Significant weight is given to conserving the landscape and scenic beauty of these areas taking account of the relevant AONB Management Plan.
 55. Policy DM3 of the KMWLP states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's important biodiversity assets and that proposals that are likely to give rise to such impacts will need to demonstrate that an adequate level of ecological assessment has been undertaken, measures have been secured to mitigate any adverse impacts, compensatory measures if necessary and the securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity.

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56. Policy DM4 – Green Belt, states proposals will be considered in light of their potential impacts and shall comply with national policy and the NPPF.
57. Policy DM5 states minerals and/or waste proposals that would have an impact on a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit.
58. Policy DM10 seeks to protect the water environment and embraces issues of flood, groundwater, Source Protection Zones and the protection of ecological status of all waterbodies within the site and/or hydrologically connected to the site. It states hydrogeological assessment may be required to demonstrate the effects of the proposed development on the water environment and how these may be mitigated to an acceptable level.
59. Policy DM11 requires mineral and waste developments to demonstrate that they are unlikely to generate unacceptable adverse impacts from noise, dust, odour, vibration, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. An air quality assessment may be required to consider the impact of the proposed development and its associated traffic movements and necessary mitigation measures, particularly where a proposal might adversely affect the air quality in an Air Quality Management Area (AQMA).
60. Policy DM12 establishes the need to take into account the cumulative impacts of individual elements of a proposal to ensure there are no unacceptable adverse impacts on the environment or local communities.
61. Policy DM13 requires waste developments to demonstrate that road traffic movements are minimised as far as practicable by preference being given to non-road modes of transport. Where proposals require road transport proposals should demonstrate the access arrangements are safe and appropriate to the scale and nature of movements and not detrimental to road safety. The highway network should be able to accommodate the traffic flows and such traffic should not have an unacceptable adverse impact on the environment or local community. Proposals should demonstrate measures for emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours. Particular emphasis should be given to such measures where the development is proposed within an AQMA.
62. Policy DM14 seeks to provide safeguards which satisfactorily protect the interests of any Public Rights of Way affected by proposed developments and opportunities are taken wherever possible to secure appropriate, improved access to the countryside.
63. Policy DM 16 requires submission of relevant information in support of an application.
64. Policy DM17 requires planning obligations be sought where planning conditions could not achieve suitable control of the effects of the development and may include matters such as highways and access improvements, traffic management, biodiversity and landscape enhancement, protection and enhancement of international, nationally and locally important sites and protected species, improvements to PROW network and

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long-term management to maintain beneficial after-use. Further, obligations to secure financial guarantees to ensure restoration and long-term maintenance is undertaken, measure for environmental, recreational, economic and community gain in mitigation or compensation for the effects of the development and recruitment of local workforce may be required.

65. Policy DM18 requires land stability to be properly addressed during operational phases.
66. Policy DM19 addresses the issue in so far as it relates to restoration, aftercare and after-use and appropriate long-term management. It requires restoration plans include details of, amongst other matters, a site based landscape strategy, the key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape and habitats, proposed infilling operations, sources and types of fill material, types, quantities and sources of soils or soil making materials to be used, the arrangements for monitoring and the control and management of landfill gas, consideration of land stability after restoration, proposals for meeting targets or biodiversity gain, planting of new native woodlands, installation of drainage to enable high quality restoration and after-use, and measures to incorporate flood risk mitigation opportunities.
67. Policy DM20 supports development ancillary to minerals or waste development where it is linked to the life of the facility.
68. **Emerging Kent Minerals and Waste Local Plan 2024-39** - The plan was submitted to the Secretary of State for independent examination on 17 May 2024 and is now a material planning consideration in decision making on planning applications. The NPPF states that Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
69. The emerging Local Plan updates policies in the existing plan. The proposed Spatial Vision for Minerals and Waste in Kent is as follows:

Throughout the Plan period 2024-39, minerals and waste development will:

1. Make a positive and sustainable contribution to the Kent area and beyond and ensure minerals and waste development contributes to the progression towards a low carbon economy.
2. Supports the needs arising from growth in Kent.
3. Deliver sustainable solutions to the minerals and waste needs of Kent and beyond through collaborative working with communities, landowners, the minerals and waste industries, the environmental and voluntary sector and local planning authorities.

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4. Embrace the naturally and historically rich and sensitive environment of the plan area, and ensure that it is conserved and enhanced for future generations to enjoy

Planning for Minerals in Kent:

5. Seek to deliver a sustainable, steady and adequate supply of landwon minerals including aggregates, silica sand, crushed rock, brickearth, chalk and clay, building stone and minerals for cement manufacture.
6. Facilitate the processing and use of secondary and recycled aggregates to become less reliant on land-won construction aggregates.
7. Safeguard economic mineral resources for future generations and all existing, planned and potential mineral transportation and processing infrastructure (including wharves and rail depots and production facilities).
8. Restore minerals sites to a high standard that will deliver sustainable benefits to Kent communities

Planning for Waste in Kent:

9. Facilitate the achievement of a more circular economy in all forms of development, ensuring the maximum reuse of materials and goods, minimising waste and ensuring its management is sustainable and takes place as high up the Waste Hierarchy as possible.
 10. Extract the maximum amount of renewable energy incorporating both heat and power, from waste that cannot be re-used or recycled (i.e. unavoidable residual waste) and minimise the amount of non-hazardous waste sent to landfill.
 11. Ensure waste is managed close to its source of production;
 12. Allow for the development of a variety of waste management facilities to ensure that Kent remains at the forefront of waste management with solutions for all major waste streams, while retaining flexibility to adapt to changes in technology and legislation.
 13. Ensure sufficient capacity exists to meet the future needs for waste management.
 14. Restore waste management sites to a high standard that will deliver sustainable benefits to Kent's environment and its communities.
70. Policies from the existing plan are pulled through and updated in line with the latest national policy and guidance as well as reflecting the priorities of the County Council. All of the above policies are still relevant. Of significance is the update to Policy CSW11 as follows:

Permanent Deposit of Inert Waste

Planning permission for the permanent deposit disposal of inert waste will be granted where:

- a) the inert waste is being deposited for a beneficial use such as it is for the restoration of landfill sites and mineral workings and not as part of a disposal operation;*
- b) the waste is to be used in an engineering operation, other than the restoration of landfill sites and mineral workings, where it is demonstrated that there is no local Kent demand for its use in such restoration operations; and,*
- c) The development involves the minimum quantity of waste necessary to achieve the*

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benefit sought.

71. **Sevenoaks District Council Core Strategy Adopted February 2011** – Policies DM3 (Commercial Buildings in the rural area), DM12 (Road Hierarchy and Development), DM15 (Protection of the Countryside), DM16 (Landscape Character – including AONB), DM17 (Groundwater Source Protection) also apply.

Member Site Visit

72. All Members of the Planning Applications Committee were invited to attend a visit on to the site and surrounding area on 12th October 2021. Many of those Members remain on committee. All proposed traffic routes to and from the site were also visited.

Consultations

73. Original consultations were sent in November 2018. All consultees were advised in January 2020 of the receipt of further information and asked for any further comments they may wish to make. They were reconsulted again in January 2021 following receipt of the addendum to the Environmental Statement, in September 2022, in April 2023 and again in April and May 2024 following receipt of additional information. A number of consultees have made multiple representations. The comments can be summarised as:

74. **Sevenoaks District Council** – Final comments are summarised as follows:

Sevenoaks District Council remain concerned that the amenities of the occupiers of properties adjacent to the A25 in Brasted and Sundridge would be seriously impacted by increased traffic flows and associated noise, disturbance, fumes and vibration from passing Heavy Goods Vehicles associated with the restoration of the site.

In the event that permission was to be granted, it is requested that a condition to ensure that the internal road access be removed, and the land restored to its original condition on completion of the restoration works.

It is also requested that Kent County Council be satisfied that the proposals do not represent an over-engineered solution, which goes beyond what is reasonably necessary to secure the satisfactory restoration of the site.

Additional comments were received from the Arboricultural & Landscape Officer at Sevenoaks DC who had been asked by Westerham Town Council to consider protecting trees with a new Tree Preservation Order. He comments that should the haul road be placed further away from the trees at the pinch point on the eastern end and its width reduced as stated then the land to the immediate south of it should be fenced off to protect the remaining rooting area from day one of the construction works.

75. **Westerham Town Council (WTC) – Raises objection.** WTC supports restoration of the former sand pit but has consistently maintained that any restoration must not only be carried out in a way which is sympathetic to a town with an extensive conservation area set in the Kent Downs AONB and Green Belt and must also minimise the effect not only on the town itself, but also on its neighbouring communities.

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In its various responses, WTC questions the severity of slope instability and the risks to the M25, and the appropriateness of the construction scheme and fill material proposed to address such risks. They do not consider account has been taken of the number of HGVs required to bring in base material to create the haul road nor those required to take it away, nor do they consider it has been engineered sufficiently to handle the quantities of traffic that might use it. They comment that there are contradictions about the nature of the fill material throughout the application, and a lack of clarity regarding managing the water displaced during fill operations, and insufficient assessment of drainage and flood risk impacts. No account appears to have been taken for the quantities of soils required for final restoration. The transport assessment is limited in its consideration of the extent of the potential impacts though all communities, and it does not consider the safety aspects of the Croydon Road crossing. They consider the timescales for the development are not accurate. WTC are concerned about noise impacts upon Churchill Primary School and residential areas and impacts from dust, vibration and vehicle emissions.

In summary they advise that the application fails to:

- i. demonstrate why the 1983 restoration scheme could not be carried out.
- ii. establish that the restoration could only be achieved through the import of a minimum of 800,000cu m of infill and the construction of a haul road through the AONB and that there is a need to import 800,000m³ of infill material;
- iii. evidence that the stability issues claimed are severe enough to justify the extensive and disruptive restoration proposed;
- iv. demonstrate it has fully evaluated any other options to minimise the environmental and transport impacts of any remedial works.
- v. evidence that its transport assessments are soundly based, realistic or enforceable;
- vi. demonstrate that it addresses the significant effects of the proposed development on the environment that are likely to arise and that it accurately reflects the cumulative environmental and transport impacts with other major development schemes, nor the emerging local plans in Sevenoaks, Bromly and Tandridge Districts;
- vii. demonstrate that effective consultation has taken place with local authorities, the Environment Agency or community prior to its submission.
- viii. demonstrate that the proposals will not harm areas of SSSI, Ancient Woodland, landscape character and therefore fails policies in both the National Planning Policy Framework and Local District Local Plans.

In commenting on the Environmental Statement and the ES Addendum (January 2021), the Town Council considers that the Environmental Statement and the Ecology Impact Assessment are seriously flawed. On the Addendum, it maintains that there is no risk of instability affecting the M25 and that the risk of flooding is overstated and alternative drainage solutions for the northern lake have not been considered. It argues that the alternatives assessment takes these risk factors as given and does not consider all environmental effects and none beyond the limits of the site. WTC argue that timescales are not realistic, that cumulative effects have not been identified, and that there is insufficient quality control of materials entering the site.

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In commenting on the Surface Water Drainage Strategy it advises that it fails to meet the requirements of the NPPF, is based on incomplete evidence, presents a serious risk to the underlying aquifer and is not aligned with previous submissions.

In its comments in response to the further details submitted by the applicant in April and May 2024, it advises:

Letter from L F Acoustics re: Noise Assessment

WTC recognises that the letter seeks to address the concern that site operations would generate excessive noise levels near residential buildings. The letter suggests imposing a planning condition to ensure adherence to noise levels and periodic monitoring. WTC argues that periodic monitoring is insufficient and continuous noise monitoring should be required, with compliance reports sent to KCC Planning fortnightly and noise level data accessible in real time with, penalties for non-compliance

Green Belt Assessment March 2024

WTC agrees that the end result of the proposal may meet Green Belt criteria, but they argue that the means by which it is achieved are inappropriate. It is considered that the negative impacts of the proposed lorry routes through the Green Belt, the volume of fill, and the temporary haulage road make the proposal as a whole inappropriate. WTC does not believe that the reasons given in the report for there being VSCs hold up to scrutiny and it is argued that the report downplays the impacts of the development and fails to provide valid evidence to support its claims. WTC states that the term Very Special Circumstances sets a high bar and none of the reasons given in the report meet that standard and believe that the proposal is inappropriate development within the Green Belt and should not be granted planning permission as there are other viable options (e.g. other vehicle routing possibilities).

Technical Note TN06 - Response to agreed actions dated 5 February 2024

The report discusses alternative options for restoration and concludes that option 5 is the most optimal solution. WTC argues that the applicant has not met the requirement to present reasonable alternatives and fully review all viable options. They believe that the applicant's analysis of the options is flawed and incorrect.

On revised noise chapter of Environmental Statement as follows:

WTC comment that the throughout this chapter assumptions, minimum and unsubstantiated extrapolations are portrayed as 'hard facts' despite in many cases being wholly inaccurate. It considers that 'anticipated' noise levels are not definitive, do not account for when the noise is occurring or the environment it occurs in, the types of material brought in and focus on average values. Noise and vibration monitoring should be carried out on a continuous basis, with ad-hoc checks by KCC. The noise, vibration, dust and pollution impact of 80,000 lorry movements along the roads around Westerham for 6 will have a negative cumulative impact upon the Westerham, Biggin Hill, Brasted and Sundridge urban areas, the Green Belt in and around these settlements and the Kent Downs National Landscape.

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76. **Sundridge with Ide Hill Parish Council – Raises objection on the following grounds.** Responses were received in November 2018, February 2020 and September 2022.

The site is to be restored as a requirement of the original permission to take minerals from the site. However, the argument regarding the stability risks to the M25 is subjective and unsupported by evidence. The Highways Authority has expressed no concerns about the stability of the motorway and has no plans to consider or require strengthening and therefore the justification for much more fill material is questionable.

The developer's own ecological survey identifies several protected and potentially at-risk species that have successfully populated the site and will be severely affected by the proposed works and eventual landscaping.

A range of transportation objections are raised including:

- The application fails to recognise the serious impact it will have on the northern part of Westerham itself and adjoining villages. The traffic assessment details intended routes from London sites, which are most likely to be convenient for traffic operators but fail to take into account the effect on local residents.
- The transport impact upon the heritage buildings of Sundridge, and Brasted village. The already heavy traffic will massively increase along the A25, between the M25/A21/A25 junction 5 and Westerham, which is already a very busy route particularly at school times.
- Impact upon the effectiveness of the A25 which is the designated relief road for the M25, in case of delays, closure or accident
- Impact upon school routes for 7 local schools which are already impacted by regular delays at the junction of Homedean Road, Amherst Hill, and Sundridge traffic light intersection
- The additional HGVs using the proposed extension to Beggar's Lane will slow down and delay traffic heading toward London (A225) and traffic crossing the Croydon Road (B2024) which, despite its denomination, is a busy road leading toward Croydon and associated areas.
- Air quality in the local communities will be impacted by all the additional lorries.
- Alternative access solutions are proposed using the original quarry site access from the A25 or via Clacket Lane. The use of the original site access and/or Clacket Lane for access and/or egress would permit traffic to access the A25 from Junction 6 and pass along the A25 from a Westerly direction and avoid town and village centres other than the peripheral parts of Oxted.

Amenity Concerns

- The PC remains concerned about noise, vibration, dust and pollution. It is also concerned about the quality of screening for infill material and risk to groundwater.
- The allegations relating to the potential of the lake to increase to a level which will result in flooding are based on information selected to fit the applicant's stance and fails to provide or take into account any unbiased recent or regular records of water levels over recent years. Historic aerial photographs do not evidence the rapid and sudden or alleged continuous increases that the applicant alleges.

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- The applicant has failed in any of his submitted documents to provide definite proof that the alleged damage to the M25's stability, the flooding of adjoining roads or the protection of ground water from harmful leaching from the fill are realistic reasons to justify approval of the proposals.
- No consideration is given to the likely natural dispersion of water from the pit sides or increased surface evaporation.

77. **Brasted Parish Council – Raises objection** on the following grounds. Responses were received in January 2020, February 2021, September 2022 and 19 June 2023.

There are other sensible engineering techniques to address the superficial slope failure that do not require a minimum 800,000 cubic metres of material to be hauled to the site over a period of at least five years.

The A25 through Brasted is narrow and unsuited to heavy traffic. At present air pollution is a great concern to residents as it is frequent for tail backs of traffic to occur at rush hours. There are three points on the A25 as it passes through Brasted that are narrow and cannot support two HGV's passing each other. The pavements in Brasted are narrow in many places and HGV's have to drive extremely close to the pavements to progress.

The original 2018 proposals did not recognise any problems with HGVs passing through Brasted and Sundridge and did not even deign to mention the villages in their traffic survey. Now it appears to be recognised that 100 lorry movements a day is the maximum that should pass through Brasted. Brasted Parish Council is strongly against even this number passing through its Conservation Area. Many of the houses along the village have no front gardens with front doors opening onto narrow pavements. This creates a funnelling effect for pollution and explains why air quality in the village is poor. In addition, many of these houses in Brasted along the A25 are listed and situated very close to the road. The Council is concerned about damage to the houses from vibrations of the HGVs.

The Parish Council is also concerned about the ability to monitor the lorry movements and ensure that if the proposal is passed, they do not exceed recommendations. The Council is also concerned that it would be impossible to prevent an extension of the haulage period beyond the five years.

78. **Riverhead Parish Council – Raises objection** on the following grounds. Responses were received in February 2020, June 2023 and April 2024.

- i. The proposal of 200 HGVs per day over a 5-6-year period will impact Riverhead in terms of congestion and air quality. Air quality is already poor. Extra HGVs will deteriorate air quality further and as it is only just below the current objective level of 40ug/m³, the direct result will be possibly dangerous levels of nitrous oxides This will have an adverse health effect on all residents, particularly the most vulnerable;
- ii. Severe strain on already highly congested network of roads in Riverhead, particularly on Worship Hill area. There would be a danger to children who use these roads to reach local primary schools and nursery. HGVs passing close by will pose a real and serious danger to pedestrians on adjoining footpaths.

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- iii. HGVs will need to negotiate a low and narrow railway bridge with the risk of becoming struck.
- iv. HGVs impact upon the Conservation Area which will cause damage by vibration to already fragile important structures/listed buildings.

79. **Chevening Parish Council – Raises objection** on the grounds of traffic generation & highway safety.

The Parish Council responded to the application as amplified and amended in February 2020, January 2021, August 2022, 9 June 2023 28 April 2024 and May 2024 raising objections on the following grounds:

Chevening Parish Council object on the grounds of traffic generation & highway safety. It draws attention to the potential impact on the Parish of traffic using the A25 (and A25/A21 accident black spot), together with the risk in times of severe traffic congestion of additional heavy lorries through the village as a result of the increased traffic from this development. The cumulative effects of the lorry movements from several schemes now granted on the villages along the A25 must be taken into consideration and this application cannot be considered in isolation. The permitted developments at Fort Halstead, the Chevening House Parkland Scheme will each potentially have devastating impacts on these villages and their air quality on their own and cumulative impacts need to be considered. In addition, that volume of lorries travelling along the A25 will cause even further congestion with the resultant air pollution concerns and traffic delays. .

Responses from authorities outside of Kent

80. **Surrey County Council (SCC) – No objection**, subject to KCC being satisfied that: a) there is a demonstrable need to stabilise the land as proposed and that the engineering solution proposed is appropriate to the context of that need; b) the minimum requisite of waste material is used to facilitate the engineering solution and restoration proposed; c) the restoration is otherwise appropriate and acceptable; and d) there is an appropriate Construction Traffic Management Plan and/or HGV routing system or agreement in place to facilitate the development and avoid inconveniencing or otherwise endangering other road users.

In initially commenting on the application, SSC raised concerns regarding the volume of material required to restore the site and asked that KCC be satisfied that the volume involved is the minimum needed to secure the satisfactory restoration of the site. Concern was raised over the safeguarding of the groundwater resources as the line of sandpits to the west of Covers Farm quarry, in Surrey are predominantly no fill restorations, necessitated by the EA's requirement to safeguard such interest. SCC supports the landscaped and ecological benefits of the restoration scheme, although it is noted that the central linking corridor would not benefit Dormice, being a broken tree belt. Initially SCC were satisfied that the application would not have a material impact on the safety and operations of the adjoining public highway. They wished a routeing plan be secured either by condition or S.106 Agreement and that all HGV movements associated with the proposal be contained within roads outside Tandridge so there were no adverse impacts on the highway network within the District, as concerns had been expressed that HGV drivers may take short cuts and use inappropriate roads within the Tandridge District.

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In May 2020 SCC raised an objection on the grounds that “*It has not been satisfactorily demonstrated that the existing road network within Surrey between Zone E and the Covers Quarry site as shown on the Source Zones A-E plan 325/SZ/1 is suitable for the anticipated number of HGV's associated with the development*”. It drew attention to the characteristics of Clarks Lane and the need to ensure that a robust and enforceable routing plan would be required to ensure that HGVs would not deviate from the agreed routes. SCC would wish to be involved in any monitoring processes put in place.

Following a proposal by the applicant to reduce vehicle movements along Clarks Lane/Croydon Road SCC Transport & Development Planning responded in September 2021 as follows:

Whilst it would have been preferable to have had HGV movements removed from using the B2024/B269, the roads of concern within Surrey, we would be prepared to accept a reduction in movements to 10 two-way trips a day [from 30 movements]. We would therefore be prepared to remove our objection if this limit is formally set out in the approved routing plan, and we could provide wording for a suitable condition to secure this.

Since September 2022, SCC has raised no objection subject to KCC being satisfied on the matters outlined above.

81. **Tandridge District Council – No objections** raised subject to an appropriate condition or S106 agreement to require HGV traffic to comply with the routing plan as shown in the application particulars, and appropriate mitigation measures pertaining to wildlife and their habitat.
82. **Warlingham Parish Council – Raises objection** on the grounds of traffic generation & highway safety and state that the Croydon Road North (B2069 and B2024 route) should be removed from the routeing plan.

The Parish Council responded in November 2018, January 2020, February 2021, May 2021, October 2021, September 2022, 14 June 2023 and 29 April 2024 raising strong objections on the following ground:

The Parish Council considers the Transport Assessment underestimates the number of HGVs travelling along Croydon Road to access the site; vehicles would have to negotiate the narrow roads through Warlingham Green with the resulting safety risks and disruption for the residents of Warlingham. This route is totally unsuitable for the type and level of traffic and would present a clear danger to other motorists and cyclists as the HGVs negotiate the narrow sections of Clarks Lane as it descends to meet Croydon Road. There is no guarantee of the source of the fill material over such a long construction period and therefore the number of vehicles using the B2024/B269 could increase substantially if the material were sourced from the south or south-west sectors of Greater London. It requests that similar safeguards given to Westerham, Oxted and Limpsfield are afforded to the residents of Warlingham by conditioning the level of traffic that could pass through the village utilising Croydon Road.

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Following the applicant's offer to restrict the number of HGVs using Croydon Road to 10 two-way movements per day, the Parish Council requested that the route through Warlingham (the only B-road proposed) is withdrawn from any approval that may be given. It refers again to the unsuitability of the B269/B2024 route.

83. **Tatsfield Parish Council – Raises objection** on highways/amenity grounds and impact on the AONB.

The Parish Council raised strong objections responding in December 2018, January 2020, February 2021, October 2021, June 2023, April 2024 and May 2024 on the following grounds:

The Parish Council object to the proposal on the basis of the detrimental effects of increased traffic movements on the B2024 (Clarks Lane) at its junction with Pilgrims Lane which is known 'pinch point' that falls within the parish of Tatsfield. The B2024 is completely unsuitable for HGVs particularly as it narrows towards the severe bend and pinch point at the junction with Pilgrims Lane. Such vehicles would constitute a severe danger to other road users., and would also cause unacceptable bottlenecks and traffic congestion on the surrounding road network. Pollution from the vehicles, dust and fumes would all negatively affect the air quality within the parish and the AONB beyond. The Parish Council also draws attention the proximity of the Cross-valley Dyke ancient monument and the need to protect this heritage asset.

In considering the offer to reduce HGV traffic on Croydon Road to 10-two-way movements, the Parish Council reiterated its objections at the reduced traffic flows.

84. **Chelsham and Farleigh Parish Council – Raises objections** on highway safety grounds with particular reference to impacts during winter months; pedestrian safety; stipulates that their residents should be afforded the same levels of protection as those in Brasted and Westerham by not allowing use of the B2024/B269 to access the site; and impacts on the Green Belt and AONB.

The Parish Council responded in June 2020, March 2021, June 2023, and May 2024 – objecting to the proposals on the following grounds:

Both B2024/B269 run through open Green Belt, an Area of Great Landscape Value (AGLV) and AONB countryside on the North Downs, and then at Botley Hill descend the scarp slope of the downs. These roads are unsuitable for the proposed HGV traffic and are too narrow for HGV traffic to pass in opposite directions, or for HGV traffic to pass safely other large vehicles. There are a number of sharp turns, blind corners and road junctions making the roads unsuitable. We suggest that routes along A roads be selected instead and that Warlingham should be protected from such heavy through-traffic in the same way that Westerham has been protected. We also express our deep concern that the Green Belt AGLV/AONB should not be used as a dumping ground for metropolitan London, that this could well lead to contamination of various kinds.

85. **London Borough of Bromley Council (LBB) – Raises objection** on the basis of the potential harmful impact on highway conditions within the Borough.

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Whilst initially raising no objection, LBB subsequently amended its response in 2020 to raise an objection to the proposal based on the potential harmful impact on highway conditions within the Borough. The proposed development has the potential to generate 200 daily HGV trips through Biggin Hill, a Local Distributor Road. This is a 50% increase on the current HGV flow or an extra vehicle every 2 minutes (across the proposed 11-hour working day). This would have an unacceptable impact on the highway network. Furthermore, the proposal does not appear to include a robust monitoring system to record/manage the vehicle movements/trips.

In March 2021, LBB continues to raise an objection updating its recommendation that should KCC be minded to grant permission LBB respectfully requests:

- A weekday limit of 100 two-way HGV movements (i.e. 50 trips into the site and 50 trips out of the site) and no weekend HGV movements using London Road (A233), Westerham Hill and Main Road, Biggin Hill route; and
- All HGVs shall be fitted with GPS monitoring equipment and the routing data recorded and monitored and made available to the Local Planning Authority, Kent County Council, upon request.

In September 2022, June 2023, April 2024 and May 2024, LBB reiterate the objections on the basis of the potential harmful impact on highway conditions within the Borough repeating the request set out above should KCC be minded to grant permission.

86. **Croydon Council** – No comments to make.
87. **National Planning Casework Unit (NPCU)** – Confirms receipt of the Environment Statement (and subsequent amendments) advising the NPCU has no comment to make on this application.
88. **Environment Agency (EA)** – **No objection**, subject to informatives. Final comments from the EA confirm no objections subject to informatives in relation to the Environmental Permit, Ecological Management Plan and Flood Risk.

In April 2021 the EA recommended as follows:

Groundwater and Contaminated Land - The issue of deposits of waste materials below the water is sensitive and generally the EA would only permit inert naturally occurring materials deposited into water, followed by a suitable Artificial Geological Barrier and only then the deposit of wastes like construction wastes. Tile wastes would have to be managed so they pose no additional risks to water resources and are not placed in water.

The outline approach would be acceptable from an environmental permitting perspective as the EA would include necessary groundwater protection measures within any permit to ensure water quality is protected and monitored if the scheme was to go ahead as indicated.

Environmental Permit - The EA confirm that the amount of material proposed to be used for restoration of the site is not unacceptable from a groundwater point of view. The EA advise that this does not imply that the deposit of 800,000 m³ of waste material would be regarded as a recovery activity. Any application for deposit of waste would

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need a detailed submission and full review as part of an environmental permit application. The EA would form a view at that stage whether the activity is a recovery or disposal activity. The decision would be bound by waste legislation and legal case law following assessment of a submitted proposal. This review would re-examine the alternative options to restore the site. If a project using waste is to be regarded as a recovery activity, along with the other elements of the recovery test, it must be demonstrated that the minimum amount of waste to achieve what is essential has been used. It is possible that a project could be regarded as having elements of both recovery and disposal (landfill). Alternatively non-waste imports might be indicated as required. If waste is used in the proposed scheme, the details of risk assessments and method statements for deposition of waste could be agreed as part of an application for an environmental permit.

The definition of 'inert waste' would need to be agreed with the EA as part of any environmental permit application process, based on waste legislation and site-specific factors.

The EA noted that imported fill material would be tested at source prior to being transported to site, and a Materials Management Plan/Waste Recovery Plan would detail isolation and removal of unsuitable material (on-site or imported) should any be discovered. Prior to placement under water all material would be subject to testing to confirm suitability for use, details of such testing would be set out in the above plan. The EA point out that waste materials would not be controlled by an environment permit unless they form part of an engineering system required to allow waste deposits to be made.

The EA note that a Gault Clay layer would be left in-situ where it occurs, and the lakes would be re-contoured and new basins created which would be lined with clay as necessary to retain the surface water. The EA acknowledge the Applicant's statement that as well as the basal clay liner and surface clay capping as part of the site landscaping, the site would only be filled with inert material thereby mitigating any risk of creating pollution or deterioration in groundwater quality. The EA advise that detailed risk assessments would need to be agreed as part of any environmental permit application.

In September 2022, June 2023 and May 2024 the EA raised no objection to the application as updated and amended. Reiterating that the development proposed would be assessed under the environmental permitting requirements, including the drainage arrangements. The EA confirm that any discharge to ground would need to be through clean, naturally occurring materials only and downgradient must ensure no instability is created in land to the south. It recommends that the Planning Authority should check that the management plan for the site is robust, and enforceable. The submission of monitoring reports must be sufficient to ensure that the proposed habitat creation on the site (in particular the low-intensity pasture) is appropriately managed to prevent an otherwise net loss of biodiversity.

89. **National Highways England (NH)** – Following the receipt of additional information to satisfy queries raised NH raised **no objection**, subject to conditions securing the prior approval of a detailed design for temporary haul road; a ground stability monitoring strategy with an emergency action plan; and details of proposed flood storage areas. NH propose the above conditions to ensure that the restoration work is undertaken in a

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way which protects the integrity of the M25 assets and to satisfy the reasonable requirements of road safety.

In commenting on the stabilisation of the quarry, NH advised that a ground monitoring regime be put in place in order to monitor the northern embankment along the M25, to ensure that the proposal does not cause failure during construction. NH confirm that such measures, if properly designed and installed would provide a good indication of any possible failures during construction and facilitate intervention before failure occurs. NH request that Kent County Council attach a formal condition in relation to this point and comment that it would be useful to have an indication of the monitoring scheme that the applicant would propose to use. In 2020, NH requested further information relating to the sources of fill material, which junctions of the strategic network would be likely to be used and start times for HGVs.

In August 2020, NH confirmed that it would not agree to the use of Clacket Lane Services to access the site because Circular 2/13 The Strategic Road Network and the Delivery of Sustainable Development (para B24) states that access to other developments through a roadside facility is not permitted.

90. **Natural England (NE)** – Following receipt of additional information to satisfy initial concerns relating to the impact upon the SSSI and the Outline Ecological Mitigation and Management Plan NE raised **no objection**, subject to appropriate mitigation being secured. This could be provided through a Construction Environmental Management Plan (CEMP) and an Ecological Management Plan, which could be secured via condition or obligation. NE advise that without appropriate mitigation the application would damage or destroy the interest features for which Westerham Woods Site of Special Scientific Interest has been notified.

In landscape terms, NE confirmed it agreed with the findings of the Landscape and Visual Impact Assessment that the existing site does not significantly contribute to or exhibit key characteristics of the landscape character or special qualities of the AONB. It acknowledges that, whilst there would be some visual impact from the haul road and the restoration operations, including from the PROW, once completed the proposals would likely benefit the overall landscape quality in the AONB. In reference to the impacts on the SSSI, NE considered the development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

91. **Historic England (HE) – No comments.** HE responded in November 2018, January 2020, February 2021, August 2022, May 2023 and May 2024. On each occasion HE confirmed it did not wish to comment and suggested the views of KCC's specialist conservation and archaeological advisers should be sought (as relevant).
92. **UK Health Security Agency (UKHSA)** (formerly Public Health England) – **No comments.** UKHSA responded in January 2020 and February 2021 and April 2024 advising that it is not a statutory consultee and would not normally comment on this type of planning application, unless there are specific chemical & environmental hazard concerns which have the potential to impact on the health of local communities. It advises that impacts on public health from local air quality, noise and contaminated land fall to be considered by the local authority.

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93. **Kent County Council Highways and Transportation (KCC H&T) – No objection,** subject to following conditions:

1. The number of HGV movements is restricted to a maximum of 200 two-way movements per day, on weekdays only, for an 11-hour day with a maximum of 100 two-way HGV movements along the A25 (east), a maximum of 100 two-way HGV movements along the A233 (north), and a maximum of 10 two-way HGV movements along Croydon Road (north). The HGV traffic movements should be reasonably evenly distributed across an 11-hour day from 08:00 to 19:00 with no excessive peaks and a maximum of 12 HGV movements per hour along the A25 (east) and A233 (north) and a maximum of 5 movements per hour along Croydon Road (north).
2. A lorry routing agreement is entered into between the applicant and KCC, the details of which are to be submitted and approved prior to any works commencing.
3. Details of the signalised junction on Croydon Road are submitted to and approved by KCC and implemented prior to any works commencing. These works will be the subject of a Highways Act 1980 Section 278 Agreement and may incur a commuted sum maintenance charge.
4. Details of the revised roundabout on London Road/Beggars Lane junction are submitted to and approved by KCC and implemented prior to any works commencing. These works will be the subject of a Highways Act 1980 Section 278 Agreement.
5. The junction works on both Croydon Road and London Road are reinstated back to the original layout once the works are complete.
6. A pre-commencement condition survey of Croydon Road in the vicinity of the site access and the London Road/Beggars Lane roundabout are carried out and agreed with KCC prior to any works commencing.
7. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage

In advising on the application, KCC H&T's officers confirmed that the Transport Assessment was considered robust and covered the information required relevant to the impact of the proposal on the local highway network. It noted National Highways raises no concerns regarding the impact on the Strategic Road Network. KCC H&T noted the proposal is for the importation of 0.8 million cubic metres of fill material which would result in between 150 and 200 two-way HGV movements per 11-hour day for a period of 5/6 years. It is estimated that there would be between 14 and 18 two-

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way peak hour movements (i.e. 9 in / 9 out). KCC H&T confirmed these numbers are not significant in comparison with the existing traffic flows on the local highway network proposed to be used. In particular it notes the A25 to the east of Westerham carries over 10,000 vehicles per day. KCC H&T confirmed that the 5 members of staff proposed on site would have negligible impact in terms of traffic generation.

KCC H&T also noted the proposals included the construction of a new haul road to the north of Westerham between the site access point on Croydon Road and the existing roundabout at the Beggars Lane / London Road Junction (A233). It is proposed to install a traffic signal junction (subject to KCC approval) at the Croydon Road crossroads junction with limited turning movements to the south, and to construct an additional arm on the existing Beggars Lane 3-arm roundabout. Indicative lorry routing (subject to an agreement) would result in most HGV movements entering via Beggars Lane, with small numbers of movements north along Croydon Road toward South London. Given the number of estimated movements and the current traffic flows on the access routes KCC H&T does not consider that any impact would be considered to be significant and would not be "severe" in terms of NPPF. It advises that an analysis of crash records in the locality shows no significant highway safety concerns. Further noting that the benefit of the proposed haul road and routing arrangements would be that there will be no impact on Westerham town centre.

In commenting on a draft Routing Agreement., KCC H&T advise that whilst the overall number of HGV movements has not changed (i.e., 200 two-way movements per day), the distribution of those movements has been amended, limiting the proposals to a maximum of 100 two-way HGV movements to the east along Beggars Lane and A25 east of Westerham. In respect of the revised draft Routing Agreement, KCC H&T indicated concerns relating to the method of recording lorry movements and consider, now that GPS tracking equipment is readily available, that only vehicles equipped with such devices should be used to access the site. KCC H&T confirmed that such details could be addressed when a final Routing Agreement is submitted to the planning authority for approval.

In response to key highway questions raised by representations to the application, the H&T officers advised the following:

- *The impact of additional traffic on A21/A25 junction/suitability of alignment* – KCC H&T advised that the additional HGV traffic at this junction is not significant compared with the existing flows. The proposed HGV movements on the A25 (east) equates to an increase of 7.7% on existing HGV movements, and an increase of 2% over all existing traffic movements, therefore mitigating works would not be justified. The Crash Data for this junction has been assessed and whilst there are a significant number of crashes at the junction, none of them involve either the slip road from the A25 (eastbound) onto the A21 or the slip road off the A21 onto the A25 (westbound). They mainly involve vehicles turning right across the A25, which is not the route the proposed HGVs would follow.
- *The carriageway width through Brasted* – KCC H&T confirm this is an 'A' class road and is already carrying significant HGV traffic without any know issues. The additional proposed traffic is 2% (7.7% HGVs) and this increase would not be likely to have any significant impacts.
- *The design of additional access on to London Road /Beggars Lane roundabout is not in accordance with the relevant standards.* KCC H&T advise a condition has

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been recommended requiring a detailed design to be submitted and approved before any works commence, which should be to The Design Manual for Roads and Bridges (DMRB) standards. The work would be subject to a separate Section 278 Agreement to be approved directly by KCC H&T.

- *Are peak flows likely to be higher than suggested in TS due to restrictions on HGV traffic coming from London and subsequent compressed operating hours* – KCC H&T indicated this needs to be addressed by the Transport Consultant but may be an issue resulting in higher hourly flows. A condition is being recommended that would require HGV movements to be reasonably spread throughout the 11-hour day with no excessive peaks. This issue could be fully resolved if the applicant can agree to an hourly restriction on the numbers of HGV movements.
- *Alternative routes have not been adequately assessed in the transport section of the Environmental Statement* – KCC H&T advise that the option of an access to the south onto the A25 to the west of Westerham has been considered. However, since the sources of material are generally in south-east of London this could result in HGV traffic passing through Westerham. The route to the west via Junction 6 of the M25 is a much longer and would mean all HGV movements going through Oxted / Limpsfield. The proposed routing divides traffic via 3 different routes towards London.
- *Routing agreement would not be enforceable and monitoring mechanisms would be inadequate* – KCC H&T recommend a GPS monitoring system should be adequate and could be enforced by the Planning Authority. It is understood that relevant software is available that would assist in the monitoring of HGV numbers and routes.
- *Incidents on A233 and B269 and the proposed increase in HGV traffic would result in severe impacts on these routes* – KCC H&T advise that the TA includes a section on Crash Data which does not reveal any significant crash records.
- *The proposed Croydon Road crossing has insufficient visibility to meet relevant standards and has not been subject to Road Safety Audit* – KCC H&T advise that its recommendation includes a condition requiring a detailed design. This highway work would need to be designed to DMRB standard and would be the subject of a Section 278 Agreement, including a Road Safety Audit.
- *In response to comments from Warlingham PC and Surrey CC regarding the use of Croydon Road (B2024) heading north*. It advises that if WPC / SCC consider this to be excessive because of the issues of the road further north of the KCC boundary then this is their opinion, and it would be difficult for KCC H&T to challenge this not being familiar with the roads. However, it advises that the restricted number of movements is considered reasonable, and it considers there is no justification to require lower numbers or seek to restrict movements.

94. **Kent County Council's Geotechnical Consultants (Amey – Geotech)** – In summary, **concern raised**. While modification of slope gradients using any amount of placed fill would improve the slope stability, without identifying the failure mechanism there is no geotechnical justification that 800,000m³ of material is the optimum volume required to mitigate instability risk to third party assets. The applicant's most recent report demonstrates that 200,000m³ of material would result in stable slopes. Slope instability is not considered by Amey to be the driving criteria behind material importation; therefore, it is Amey's assumption that the optimisation of imported fill is determined by drainage and landscaping considerations.

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Amey have undertaken a full technical review of the relevant application documents and subsequent additional supporting information received, including responses to Amey's earlier geotechnical comments. In commenting on the application Amey have been made aware of Westerham Town Councils geotechnical report. Amey's full geotechnical report is extensive; the comments below are a summary of the main conclusions, updated in response to the further information submitted by the Applicant.

Covers Quarry is subject to an extant planning permission which provides for an approved restoration scheme, involving the recontouring the quarry using site-won materials and requiring no imported material to complete. The resulting landform would have been a valley with a pond at the north-eastern extent, and drainage flowing to the south of the site. This remedial work was not carried out, and in the years following the cessation of mining operations the quarry pit has progressively filled with water. The current application seeks approval for the importation of material to be placed in water to stabilise the quarry pit slopes, draining of the ponded water, and further material importation along with the use of site-won materials to achieve the final landform. The application requires a total material importation of circa 800,000m³.

In May 2019 Amey submitted a ground engineering review of the Application and supporting documents. Subsequently a revision of the document was submitted taking into account further information provided by the Applicant. Additional technical notes and email correspondence have been submitted as KCC have progressed the application. The following table summarises reports submitted by Amey (Geotech) to date.

Table 1: Existing Amey Consulting Documentation

Date	Purpose	Report (Reference)
05/2019	Review of application documents	Ground Engineering Review: Covers Quarry Planning Application [2]
03/2020	Review of further information submitted by Applicant December 2019	Ground Engineering Review: Covers Quarry Planning Application (Revision A) [3]
07/2020	Clarification of groundwater discharge methodology and response to slope stability and remedial design issues	June 2020 Meeting Follow-up Report [4]
03/2021	Response to various items raised by KCC email dated 22nd February 2021	Response to Planning Authority Questions (22nd Feb 2021) [5]
10/2022	Summary position statement commenting on the outstanding geotechnical issues relating to the Application and confirming	Geotechnical Summary Position Statement (10th October 2022) [7]

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	whether the Applicant has followed reasonable practice and made reasonable assumptions.	
06/2023	Update of October 2022 Position Statement with additional commentary relating to further information supplied by the Applicant.	Geotechnical Summary Position Statement (16th June 2023) [8]

Amey notes the conclusions within The Phase 1 Desk Study submitted in support of the application, which were reported as:

- a) The overlying clay material forming the quarry slopes (Gault Clay) are often unstable following periods of wet weather (shallow failures as observed on site).
- b) Dewatering the pits is likely to induce similar failures in soils currently submerged.
- c) There is potential for compounding shallow surface failures to migrate upslope and pose a medium- to long-term impact on the M25.
- d) Addition of fill at the base of the slopes would provide a long-term benefit to slope stability.

Amey's updated views on the above conclusions are as follows:

a) Stability of Gault Clay - Gault clay forms the material that overlies the quarried sand resource. Reworked Gault Clay was subsequently used to line the pit slopes and base at the cessation of mining activities (as evidenced in photographs from 2003 and 2004 provided by the Applicant in June 2021). Amey agrees with the assessment of the performance of the Gault Clay, and during a site visit in 2019 observed slope failures in the quarry slopes.

b) Dewatering - Amey agrees with the assessment that rapid dewatering of the pond would remove a restraining force on the slopes that may lead to increased instability.

c) Slope Failure Migration and Impact to the M25 - To develop a robust slope stability model the following information is required:

- Topographic data (used to develop the slope profile)
- Soil and rock data (used to develop the ground model and material characteristics)
- Ground water data (used to develop the hydrogeological model)

As with any model, the quality of the data used to build the model will be reflected in the confidence that can be placed in the data that the analysis generates. The slope stability calculations initially submitted in the supporting documents were highly simplified models based on limited historical ground and groundwater data. These are considered fundamentally flawed and therefore not reliable in defining the slope stability risk to the M25.

Further slope stability analysis using current conditions on site (based on 2019 ground investigation work) were reported in the 2019 submission. While the model used in the analysis better matched the conditions reported on site, incorrect data was still being used in the production of the model. This resulted in reporting poorer slope stability

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than if correct parameters were used. No slope stability modelling submitted in support of the application has provided sufficient justification of risk posed now or in the future to the M25 or other third-party assets with any degree of confidence.

d) Addition of Fill to Improve Stability - Improvement of slope stability without the use of structural support methods is achieved by modifying the angle of the slope so the angle of repose of the material is greater than the gradient of the slope. For example:

- Cutting the crest (top) of the slope back to reduce the gradient,
- Adding material to the base of the slope to reduce the gradient, or
- A combination of cutting and placing material

Without a reasonable understanding of the drivers behind slope instability it is not possible to define a practical and optimised mitigation measure. While it is accepted that the placement of fill at the toe would improve stability the applicant has failed to define, to a reasonable degree of confidence, the scale the risk poses to third parties, and therefore the magnitude of mitigation measures required. Analysis has not been presented to consider how modification to the crest and upper slopes of the quarry may reduce risk to the M25 or other third-party asset.

In July 2023, Amey provided the Geotechnical Position Statement below:

Amey have reviewed incoming geotechnical submissions and provided technical comment to KCC on the understanding that these comments would be passed to the Applicant.

While slope instability is an issue at the site no documented existing failures or modelled future failures have been submitted that demonstrate a high level of risk to a third-party asset. No slope modelling has been provided that justifies the proposed mitigation measures. While modification of slope gradients using any amount of placed fill would improve the slope stability, without identifying the failure mechanism there is no geotechnical justification that 800,000m³ of material is the optimum volume to mitigate instability risk to third party assets.

Due to the 1983 application's remediation works not being carried out the quarry voids have filled with water. Removal of the ponded water without placement of a restraining force to replace the weight of the water may result in reduced slope stability. Any slope stabilisation using material placement requires material to be placed in the ponded water. Existing materials on site are not appropriate for placement in water, however they may be used in stabilisation works in specific parts of the site where placement in water is not required.

In April 2024, Amey commented on the application following a meeting held on 5 February 2024 and the submission of further supporting information provided by the Applicant. The additional geotechnical considerations are set out within GB Card's (for the Applicant) Technical Note 06 (GBC/GB/324 - TN06).

TN06 quotes the 2020 Alternative Options for Restoration document identifying the six options for restoration. TN06 notes that these options were developed with consideration for the following interdependent criteria. These criteria have been defined by the applicant as being the objectives of the restoration:

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- land stability,
- site drainage, and
- restoration land use and soil erosion.

Option 5 (800,000m³ imported fill volume) is considered the optimal solution by GB Card. To clarify the volumes of material needed to achieve each individual criteria for Option 5 no interdependency was considered in TN06.

Section 3 of TN06 is concerned with land stability with Appendix B providing selected slope stability models. The models cannot be accurately located within the existing void and material parameters vary between models. The models demonstrate that slope instability does not pose a risk to third party land external to the site, all slope instability is defined as being internal to the site.

Appendix A of TN06 (reproduced below) breaks down imported material volumes according to slope stability, drainage and restoration volumes. TN06 is unclear about phasing of imported material placement, indicating two possible scenarios:

1. Slope stability can be achieved with the importation of 200,000m³ material alone, or
2. Slope stability can be achieved with 200,000m³ in addition to drainage and/or restoration importations.

Based on slope stability modelling provided in Appendix B, Amey assumes scenario 1 to be GB Card's findings. Material importation for slope stabilisation therefore constitutes the smallest volume of imported material of the three criteria, making up less than one third of the total material importation volume.

Whilst it falls outside the scope of geotechnical commentary, the scenarios above can be swapped to question whether drainage and restoration landform requirements can be achieved with or without the importation of stabilisation volumes.

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Summary: Earthwork volumes							
[Negative sign = fill deficit]							
Area	Geotech stability, m ³		Drainage, m ³		Restoration, m ³		
	Cut	Fill	Cut	Fill	Cut	Fill	
1	0	35000	0	146500	0	46026	
2	0	103000	0	320550	0	34172	
3	0	23500	64700	21750	0	28536	
4	0	45000	0	0	0	16642	
5	0	0	145500	30300	0	45560	
6	0	0	23750	6500	0	24448	
7	0	0	33500	46100	0	12321	
Sub totals	0	206500	267450	571700	0	207705	
Balance		-206500		-304250		-207705	
Gross Fill import		-718455					Required for import for site restoration.
Allow 10% for volume estimations							
Total Fill Import Estimate =		-790301 m ³					

Figure 1: TN06 Appendix A

Summary - Geotech

Amey acknowledge there is some instability in the slopes at the site but have not seen the evidence to demonstrate a high level of risk to a third-party asset. No slope modelling has been provided that justifies the proposed mitigation measures. While modification of slope gradients using any amount of placed fill would improve the slope stability, without identifying the failure mechanism there is no geotechnical justification that 800,000m³ of material is the optimum volume to mitigate instability risk to third party assets. GB Card's October 2020 Alternative Options Technical Note identified 800,000m³ or 1,000,000m³ of material as being required to resolve long-term slope stability issues at the site. TN06 demonstrates that 200,000m³ of material will result in stable slopes. Slope instability is not considered by Amey to be the driving criteria behind material importation; therefore, it is Amey's assumption that the optimisation of imported fill is determined by drainage and landscaping considerations.

95. **Kent County Council's Drainage Consultants (Amey – Drainage) – Concern raised**, recommends that water management scheme proposed would be sound in principle, however from a drainage perspective the applicant has failed to demonstrate the justification for the importation of 800,000m³ of infill material to achieve a sustainable drainage solution. Amey recommend that the same drainage outcome could likely be provided without importing substantial infill materials, however this has not been presented by the Applicant.

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Amey (Drainage) has made several detailed recommendations on the application, including in February 2022, August 2022, January 2023 November 2023 and May 2024.

Amey's earlier recommendations confirmed that:

- In flood risk terms the 'Do Nothing' scenario (i.e., no restoration) is not an option. The northern lake is predicted to continue rising, resulting in the potential for a significant increase in flood risk in the medium to long term. Amey confirms that given the topography of the quarry and the rate of infill predicted the northern lake could exceed its storage capacity in the next 6 to 12 years. This would result in the lake overflowing resulting in flood of adjoining land, including Croydon Road, potentially exacerbating existing flood risk in Westerham.
- Amey ruled out pumping water from the northern to the southern lake as an unsustainable solution for the dewatering of the north lake, advising that there is insufficient information to determine that the southern lake has the infiltration capacity to deal with the pumped flow.
- Amey raised concerns regarding the potential for proposed soakaways to silt up during construction works.
- Amey raised concerns that the level of information submitted did not provide enough comfort on both the short and long-term viability of the drainage scheme. Amey highlighted reservations regarding the soakaway calculations and a potential impact on the size of the soakaway required.
- Timescales for the project could be extended should the applicant experience any problems with the proposed drainage scheme.

In November 2023 Amey provided an updated response to revised application documents received in response to early comments on geotechnical matters. Amey Drainage's latest conclusions read as follows:

The applicant's revised Surface Water Drainage Strategy dated March 2023 (GB324-SWDS-MAR-2023-REV2) was specifically requested to address storage placed upstream and consequences of this with the aim of showing that the Southern Pond would not be overtopped. Amey agrees that approx. 12,400 m³ of storage would be required upstream of the southern lake and that this would take 5 days to drain through the southern pond and proposed infiltration area, which also must provide another 650m³ of storage. The dynamics of this are not shown, however the 100-year event would take approximately 5 days to infiltrate a basin of size 1,040 m². As such the water management proposals provided are in principal sound, however the significant earth movements, specifically to infill the northern pond, seem excessive.

The applicant was therefore requested to confirm the proposed land profiles or landform for the system, to show that hydraulics are optimised and to reduce earth movements where possible. The current estimate of material required to be imported is circa 800,000 m³.

The justification response received was that the proposed landform restoration is set out in earlier reports GB324-GGIR-DEC-2019 and GB324-AOR-DEC-2020. As stated in the Environmental Statement the land is to be restored to agriculture and arable farming. Slope gradients have been constrained at no greater than approximately 10

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degrees to allow agricultural machinery to access the restored land. This requirement and the necessity to (1) maintain slope stability and (2) drain the restored land from north to south resulted in the proposed landform restoration as currently submitted for planning to KCC.

Amey comment that the purpose of this restoration or infilling of the northern lake would not arise from a drainage requirement, as a simple weir system at an appropriate level at the downstream end of the northern pond is all that would be required to allow surface water flows to continue down the proposed 650 m long 1 in 200 gradient channels to the southern pond. It was noted that attenuation could be provided within the upper northern pond which would be beneficial, but this potential option does not seem to have been considered by the applicant.

Amey's Covers Quarry, Geotechnical summary report, dated July 2023 (CO04300759 1039 007), concerning the addition of fill to improve slope stability stated, "Without a reasonable understanding of the drivers behind slope instability it is not possible to define a practical and optimised mitigation measure. While it is accepted that the placement of fill at the toe will improve stability the applicant has failed to define, to a reasonable degree of confidence, the scale the risk poses to third parties, and therefore the magnitude of mitigation measures required. Analysis has not been presented to consider how modification to the crest and upper slopes of the quarry may reduce risk to the M25 or other third-party asset."

Accordingly, Amey do not see a requirement being presented in the provided reports, from a drainage or geotechnical point of view for the additional 800,000m³ of fill material. There is a requirement to provide a suitable connection between the northern pond along a suitable low gradient channel to the southern pond, which would likely require earth movements within the proposed development site. This option could likely achieve the same outcome without importing any fill but has not been presented by the applicant.

In May 2024, Amey commented on additional information received following a meeting held at the site on 5th February 2024.

Amey note that the objective of the Applicant's Technical Note 06 (GBC/GB/324 prepared by GB Card) (TN06) is to outline its findings regarding site drainage considerations informing the remedial design proposed. TN06 quotes the 2020 Alternative Options for Restoration document identifying the six options for restoration. TN06 notes that these options were developed with consideration for the following interdependent criteria:

- land stability,
- site drainage, and
- restoration land use and soil erosion.

Option 5 (800,000m³ imported fill volume) is considered the optimal solution by the Applicant. To clarify the volumes of material needed to achieve each individual criteria for Option 5 no interdependency was considered in TN06.

Section 4 of TN06 is concerned with surface water drainage. The technical note comments on why the Applicant considers a satisfactory drainage infiltration scheme

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cannot be designed on current topography and hydraulic gradient between the Northern and Southern Lakes.

One of the issues is the requirement to maintain a 1 in 200 general hydraulic gradient for a proposed channel between the northern and southern lakes. The northern lake water level is currently at around 118m AOD, with an estimated overtopping point to the Croydon Road at 122m AOD. The southern lake is currently at around 112 m AOD with a proposed overtopping point of 125 m AOD. The distance between the lakes is 350 m and so a 1-2m difference between the resting water levels and design of a flow path is likely to be a sensible arrangement. The original Microdrainage model (Technical Annex 6, Sept 2018) for this system had spill levels from the north of the site starting at 119 m to 120 m AOD (several scenarios) dropping to 118 m AOD to the southern lake. The latest proposed plan topographic details provided by GB Card (dated 07/03/23) identify the northern area at 119 m AOD and the southern lake area raised to 117 m AOD. The proposal to-date has looked at infilling the Northern Lake to reform the land surface level to around 119 m AOD, however Amey query why this infilling is required, as the Northern Lake water level is now close to this level and with an appropriate channel constructed between the northern lake and the proposed raising of the southern lake, this would provide the required hydraulic gradient. In the below earthworks figure provided from TN06, Area 1, 2 and 3 accounts for 488,800 m³ of infilling of the northern lake due to drainage grounds, and the necessity of this is queried.

The other issues raised by GB Card are related to existing steep valley sides and slopes and hence a reduced agricultural land use. Amey has no issues with the proposed drainage rearrangement in Area 5 to 7 shown below and in the proposed topographic plan dated 07/03/23 for these areas. The combined cut required for drainage in these areas is around 120,000 m³ with another 82,000 m³ of infill material for restoration purposes. Hence these areas only have an overall required cut of 38,000 m³.

The last issue raised is the health and safety risks associated with a deep lake with potential failures of slopes from steep sides. Amey notes that this is not a surface water drainage issue, so provides no comment on this.

Appendix A of TN06 (reproduced below) breaks down imported material volumes according to slope stability, drainage, and restoration volumes. TN06 is unclear about phasing of imported material placement, but we assume that slope stability can be achieved with the importation of 200,650 m³ material alone, and the majority of this is associated with the northern lake stability. In addition, a further 125,876 m³ infill material is associated with restoration, again the majority associated with the northern lake area. The total of infill material is around 800,000 m³ associated with the northern lake areas.

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Table showing summary of earthwork volumes required by area of the quarry (1 – 7) broken down by restoration requirement (stability, drainage, general restoration).

Summary: Earthwork volumes

[Negative sign = fill deficit]

Area	Geotech stability, m ³		Drainage, m ³		Restoration, m ³	
	Cut	Fill	Cut	Fill	Cut	Fill
1	0	35000	0	146500	0	46026
2	0	103000	0	320550	0	34172
3	0	23500	64700	21750	0	28536
4	0	45000	0	0	0	16642
5	0	0	145500	30300	0	45560
6	0	0	23750	6500	0	24448
7	0	0	33500	46100	0	12321
Sub totals	0	206500	267450	571700	0	207705
Balance	-206500		-304250		-207705	
Gross Fill import	-718455		Required for import for site restoration.			

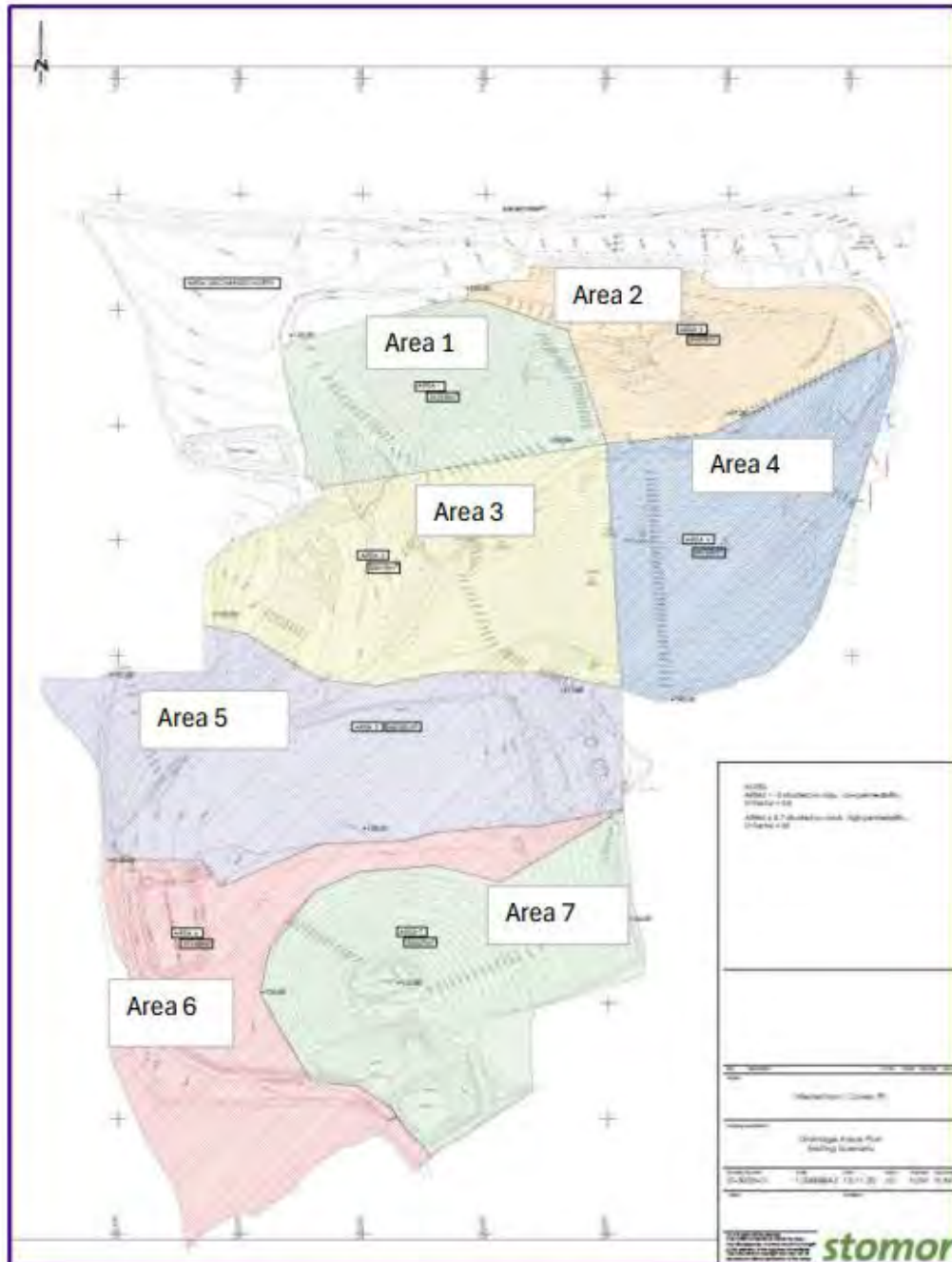
Allow 10% for volume estimations

Total Fill Import Estimate =	-790301 m ³
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*See plan below for location of the indicative Areas 1 to 7 (indicated within the first column of the table above).

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Indicative plan showing the areas (1 - 7) described in the table above.



Summary – Drainage

The Applicant's (GB Card) October 2020 Alternative Options Technical Note identified 800,000 m³ of infill material as being required to resolve long-term slope stability issues at the site. TN06 demonstrates that 206,000 m³ of material will result in stable slopes in and around the northern lake, 489,000 m³ is required to infill on drainage grounds and around 126,000 m³ for restoration. Infill of the northern lake on surface water drainage grounds is not considered by Amey to be a driving criterion behind

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material importation, as the water levels and surface water drainage to the southern lake could work if Areas 5 to 7 are developed further as discussed and outlined in GB Cards proposals, although detailed drainage details have still to be provided. It is Amey's assumption that the optimisation of imported fill is still not established.

Amey do not see a requirement being presented in the provided reports, from a drainage point of view for the additional 800,000 m³ of fill material into the northern lake. There is a requirement to provide a suitable connection between the northern lake along a suitable low gradient channel to the Southern Lake, which will likely require earth movements within the proposed development site leading to around a net cut of 38,000 m³ as presented in TN06. As such, the same outcome could likely be provided without importing substantial fill amounts, but this has not been presented by the Applicant.

96. Kent County Council's Air Quality & Odour Consultants (Amey - AQ) – No objection.

Amey AQ commented on the application and Environmental Statement (as amended) a total of seven times between 2018 and 2024 considering air quality, dust and odour.

Amey AQ recommends that the air quality assessment presented in the Environmental Statement (as amended) is sufficiently robust and adequately addresses the impact on local air quality associated with the operational phase of the proposals.

Amey AQ's comments in response to the application (as amended) can be summarised as follows:

In the 2018 ES, a detailed air quality assessment was undertaken based on importation of 800,000m³ of material following the relevant air quality planning guidance published at the time, which is still in use. The mineral dust assessment considered the effect of dust and fine particulate matter (PM10 and PM2.5) associated with the operation of mineral sites and an assessment of operational phase effects followed Environmental Protection UK (EPUK) and the IAQM's "Land-Use Planning & Development Control: Planning for Air Quality v1.2".

Concentrations of nitrogen dioxide (NO₂) and fine particulate matter (PM10 and PM2.5) were modelled for the opening year. The change (i.e., impact, in concentrations of these pollutants) between the Do Minimum (without HGV movements) and Do Something (with HGV movements) scenarios were modelled at five, 'high' sensitivity receptors, made-up of residential properties and the Churchill C of E primary school, representing 'worse case' exposure locations.

Amey recommended that:

- The mineral dust impact assessment presented in the 2018 ES adequately addresses the effects of operational phase dust and PM10 emissions. Through the implementation of best practice mitigation measures, the residual effect was considered to be not significant.
- The modelling presented in the ES showed that changes in annual mean NO₂ concentration at two sensitive receptors, situated in the Brasted AQMA, were predicted to experience a moderate adverse impact. The predicted increase in

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NO₂ was 0.3µg/m³ at both locations. This is based on a 'worse case' assumption that 200 HDVs would use this route. The latest Transport Statement indicates that Route 2 along Beggars Lane to A25 east (through Brasted) would be restricted to 50% of the total HDV movements. Therefore, the potential change in NO₂ at these locations will be lower than predicted in the 2018 ES. The proposals themselves are not predicted to lead to an exceedance of the annual mean NO₂ AQO as modelled concentrations in Brasted are expected to be 41.4 and 42.6µg/m³ at the two receptors in the Do Minimum scenario.

- The modelled NO₂ concentrations at other modelled receptors, including the primary school, were predicted to be negligible, and concentrations well below the annual mean NO₂ AQO.
- For PM₁₀ and PM_{2.5}, negligible changes were predicted at all five receptors. Predicted concentrations of these pollutants are well below the relevant AQOs in both the Do Minimum and Do Something scenarios. Overall, the impact of the proposals was considered to be not significant.

Amey concluded that the air quality assessment presented in the 2018 ES provides a robust, conservative 'worse case' assessment of the potential impact on 'high' sensitivity receptors due to HGV emissions associated with the proposed scheme.

In September 2022, Amey AQ responded as follows:

Although a request to provide a review in relation to odour was received, assessment of the impact of odour was scoped out of the 2018 Environmental Statement and therefore was not considered further.

The forecast number of heavy-goods vehicle movements remains unchanged from 200 two-way movements per day used in the 2018 assessment and the number of staff trips are expected to be negligible. The updated baseline traffic data are broadly consistent with that used in the air quality assessment presented in the 2018 Environmental Statement both in terms of the vehicle flows, given as Annual Average Daily Traffic, and the proportion of heavy-goods vehicles on each road; consequently, no material change to the predicted operational phase impacts is anticipated.

Amey is satisfied that the air quality assessment presented in the 2018 Environmental Statement is sufficiently robust and adequately addresses the impact on local air quality associated with the operational phase of the proposals; consequently, has no further comment to make.

In May 2024, Amey confirmed it has no further comments regarding Air Quality.

97. **Kent County Council's Noise Consultants (Amey – Noise) – No objection**, subject to noise limits during normal operations and an increased limit during temporary operations (up to 8 weeks a year) to include essential site preparation and restoration work close to residential properties, no plant to operate within 50m of the boundary with noise sensitive receptors unless during the temporary operations described above, approval of a Construction Environmental Management Plan (CEMP) and Noise Monitoring and Management Plan.

Amey (Noise) has made several detailed responses to the application and amendments, including in December 2018, May 2020, and June 2023.

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Amey (Noise) recommend that:

The site is in a semi-rural location to the north-west of Westerham and away from any built-up residential areas close to the M25 motorway. There are a small number of noise sensitive receptors including a school on the southern edge of the site and representative noise monitoring has been carried out at six locations. The monitoring results shows background levels ranging from 39 to 57 dB LA90, heavily influenced by motorway noise. Based on NPPF and PPG noise guidance the appropriate permitted noise limit would be 55 dB LAeq,1hr at all the noise sensitive receptors with the exception of Westwood Farm where it would be 50 dB LAeq.

The restoration operation is proposed to be carried out in four distinct stages with noise predictions provided for each stage, including construction and use of the access road. Mitigation is proposed in the form of bunds predominately adjacent to the access and the site offices/compound area. Amey indicate that this is welcomed in reducing potential noise impacts. The Applicant has also indicated a commitment to construct the bunds near to Churchill Primary School during the school holidays to reduce potential for adverse impact and again this is supported.

The assessment has shown that construction of the access road would generally be within the 55-dB limit although short term higher levels of up to 59 dB could occur. As these works would be nature temporary, Amey agrees that they be considered acceptable. It notes that nearby receptors would benefit from additional control and mitigation through a CEMP/Noise Management Plan approved by the planning authority. Measures should include construction of the access road in a suitable compactable material to provide a smooth surface to avoid 'vehicle body slap', particularly empty vehicles, and a 10-mph site speed limit.

Amey confirms that the impact from the development on the local highway network has been appropriately assessed in accordance with Calculation of Road Traffic Noise Manual with the predicted results shown within the noise report. These show increases in noise of between 0.2 and 0.7 dB along the local network including the A25, A233 and Croydon Road. Increases in noise of this magnitude are considered as being negligible. For context, it is noted from the transport statement that the A25 into Westerham has a daily flow of around 10,000 vehicles. For there to be a 1 dB change in noise due to increased traffic, there would need to be a 25% increase in vehicle numbers (i.e., around 2,500 more vehicles per day). The developer's proposals show a peak hourly flow of between 14 and 18 two-way HGV trips per peak hour, corresponding to 150 to 200 daily lorry movements, hence the increases in noise shown would be below 1dB.

In May 2024 in response to the updated application and ES, Amey confirms that it is comfortable that the revisions to the Noise and Vibration ES chapter have demonstrated that provided the plant is 50m or more from the site boundary – the thresholds of 50/55dB would not normally be exceeded at nearby residential properties. Amey is satisfied that limiting works within 50m of the site boundary to a maximum of 8 weeks per year with a noise threshold of 70dB LAeq,1h (daytime only) would prevent significant noise impacts on residential properties.

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Amey recommends that a record of the location of noisy works within the site should be maintained by the site manager to allow the applicant to demonstrate compliance the above requirement. Periodic noise measurement should be undertaken during noisiest works within 50m of the site boundary and the resultant level at the nearest residential façade calculated and provided to the LPA, to demonstrate that the threshold has not been exceeded.

98. **Kent County Council's Landscape Consultants (Amey – Landscape)** – Amey raises a number of questions regarding the additional supporting information recently submitted as set out below. In principle Amey's Landscape comments on the development raise no objection, subject to conditions securing a tree survey and protection plan; tree retention; approval and implementation of a scheme of landscaping (including details of the height and slopes of any mounding; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting); timescales and replacement planting arrangements; tree work in accordance with best practice; management practices for vegetation clearance; and prior approval of exact entry points into and out of the site and compound in the context of the required tree surveys.

In responding Amey summarised the site in landscape terms and made number of detailed recommendations regarding the submitted LVIA, operational plans and cross-sections and proposed restoration plan. In principle, Amey recommended that the landscaping appear to be appropriate on the understanding of the need to address stabilisation issues. It is assumed that the need for stabilisation and the proposed methodology will be assessed by appropriate qualified professionals.

In commenting on updated application documents submitted in 2020/21, it advised that:

- Construction effects on the landscape character during construction are identified as being Moderate adverse but of short duration and therefore not significant. Construction effects of the haul road on landscape character are identified as being Minor adverse and of short duration and therefore not significant. Kent Downs AONB: the site and the temporary haul route are well concealed from the surrounding AONB therefore the construction effects on landscape features are assessed as Minor adverse despite the extent of filling and re-shaping proposed. The construction landscape effect on the AONB is assessed as not significant.
- The restoration of the quarry including reintroduction of landscape features, the proposed ecological enhancements and return of the land to beneficial agricultural use is assessed as beneficial to landscape character. The landscape effect on Covers Farm is assessed as Moderate Beneficial. The haul route would be restored back to its current condition, with vegetation replanted using native species as appropriate. The landscape and visual assessment identified the short-term effect as Minor adverse as the replanted features would be immature, and the long-term effect to be Negligible once the replanted areas have re-established. Moreover, the effect on landscape character would be likely to be moderately beneficial on completion, becoming major beneficial as vegetation matures. A similar level of effect is predicted for the restoration of countryside character within the AONB.

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- In addition, Amey made a number of detailed recommendations that seek to improve and clarify specific details within the operational and restoration drawings and sought restoration of the haul road back to its original condition, with native species.

To summarise; visual effects have been considered in relation to 17 assessment views. During the course of the works, the majority of effects would be Negligible or Minor adverse, with Minor/Moderate adverse effects on three views. On completion, the effects would be negligible or minor adverse for 14 views and beneficial for three views. As landscaping becomes established, the effects would be negligible for 14 views, Minor beneficial for one view, Moderate beneficial for one view and Major beneficial for one view.

In September 2021, August 2022 and June 2023, Amey (Landscape) commented on additional information received, which primarily related to geotechnical, drainage and transport considerations. Further consideration was given to the routing of the proposed haul road to seek to minimise its impact on existing tree planting. Whilst changes were not considered practicable the applicant agreed to a tree survey to minimise impact on any trees of importance prior to constructing the exact entry point from the compound to site.

More recently, (May 2024) and in response to additional supporting information Amey draws attention to the consented restoration plan (379/27b) which has a minimum fill of circa 116m (AOD) in the northern bowl, the proposed restoration by the applicant has a minimum height of circa 120m (AOD). Amey consider this is a substantial increase in land level of that previously consented. .

The Greenbelt Assessment makes note of importing inert waste. It is Amey's understanding that the additional fill volume is to ensure slope stability and is required to be of a suitable geotechnical standard. Amey recommend that inert waste would not meet this standard and further information is requested on the type of material to be used and how it would be inspected and graded prior to fill if inert waste is to be used. The use of inert waste could be seen as a landfill operation if it is not to a particular geotechnical standard and thus would likely be considered as inappropriate development within the Greenbelt

In addition, Amey advise that: there is a discrepancy in the maximum slope between the most recent Geotechnical and Greenbelt assessments received and the proposed after use is not clear from the documentation. Clarification should be sought on the correct maximum gradient, and the proposed after use. It is unable to confirm if the proposed capping layer would be suitable until the final use is confirmed. The specification of the topsoil (British standard or otherwise), if it is being made on site, confirmation of topsoil mixing and storage and how the soil would be sampled to ensure conformity with the proposed standard and that no heavy metals or contaminants are present is requested.

99. **Kent County Council's lighting consultants (Amey – Streetlighting) – No objection**, subject to a condition securing detailed information on the external lighting proposed at the site compound off Croydon Road.

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100. **Kent County Council's Ecological Advice Service (EAS)** – If permission is granted, the EAS recommend a condition securing an Ecological Mitigation and Management Plan including supporting documents and further survey results, and submission of a countersigned Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate.

KCC's EAS has commented on the application, ES and subsequent updates in December 2018, February 2020, February 2021, August 2022, June 2023 and most recently September 2023, providing advice and seeking additional information in support of the proposed development (as amended).

In September 2023 the EAS updated its recommendations as follows:

The EAS are of the opinion that it is likely that updated surveys are required to provide the updated mitigation strategy and management plan. However, it acknowledges that the Applicant does not agree with this view. Notwithstanding, it is satisfied that there is sufficient information to determine the planning application advising that updated surveys to inform the mitigation strategy can be secured by condition.

The EAS confirm an updated ecological impact assessment has been carried out to assess the impact of the development (as amended), including a proposed increase in the size of the infiltration basin. The submitted ecological information has detailed the following about the site:

- Suitable habitat for foraging/commuting bats.
- Trees with low bat roosting potential.
- Suitable habitat for otter.
- Suitable habitat for badger and evidence of a badger sett.
- At least 9 species red/amber listed species of breeding bird within the site
- Common lizard and grass snake present.
- Dormouse present within the site.
- Notable invertebrate species.
- Suitable habitat for water vole.
- Great Crested Newts (GCN) present within the site.
- Suitable habitat for hedgehog and other amphibians.
- Broadleaf and plantation woodland.
- Semi improved grassland.

The ecological survey data is now 4-5 years old, and the EAS has considered if it is still valid. The updated ecological survey has confirmed that the site conditions have not changed significantly and therefore the EAS is satisfied that the survey results are likely still to be valid and no updated species surveys are required as part of the application.

The EAS confirm updated species surveys would be required to inform the detailed mitigation strategies and inform the dormouse European Protected Species Mitigation (EPSM) licence required (see below). It recommends that if the applicant is intending for works to commence within the next 12 months the updated surveys should be carried out this survey season.

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Ecological Mitigation

The EAS has reviewed the ecological mitigation proposed for the increased infiltration pond and re-reviewed the ecological mitigation proposed for the wider site. Apart from in relation to Great Crested Newts, it recommends that the principle of the mitigation proposed is acceptable. The proposed mitigation includes a mixture of precautionary mitigation and the implementation of species translocation.

With regards to Great Crested Newts (GCN) the applicant proposes to use District Level Licencing (DLL). An unsigned DLL Impact Assessment and Conservation Payment Certificate has been submitted demonstrating the intention to join the scheme. To enable the applicant to demonstrate it has been accepted on to the DLL scheme a countersigned Impact Assessment and Conservation Payment Certificate must be submitted. The full DLL cannot be issued until planning permission has been granted, however, the signed Impact Assessment and Conservation Payment Certificate demonstrates the project has been accepted on to the scheme. No signed certificate has been received to date.

As indicated above, the EAS advise that the Outline Ecological Mitigation and Management Plan received would need to be updated to cover the current layout out of the proposal and provide the results of updated species surveys. The EAS is satisfied that this could be addressed as a condition of any planning permission – with suggested condition wording provided following receipt of the signed Impact Assessment and Conservation Payment Certificate.

The impacts on dormice would need to be addressed in detail through EPSM licence application or for GCN through the issuing of the District Level Licences issued by Natural England. The Conservation of Habitats and Species Regulations 2017 requires Kent County Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, the County Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*.
2. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied *“that there is no satisfactory alternative”*.
3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”*

The EAS is content that the ‘favourable conservation status’ test is satisfactorily addressed in the submitted information for dormouse, however for GCN the EAS require a copy of the Impact Assessment and Conservation Payment Certificate to be submitted to enable KCC to be satisfied that a licence(s) will be issued. The EAS note

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that the first and second test (above) are planning matters on which it is unable to provide advice.

Enhancing the site and continuing Management

Under section 40 of the Natural Environment and Rural Communities Act (NERC) 2006 and paragraph 174 of the NPPF, biodiversity should be maintained and enhanced through the planning system. Subject to a condition securing approval and implementation of an updated Ecological Mitigation and Management Plan and associated supporting information, the EAS is satisfied that the habitat creation, management, and inclusion of enhancement features would both mitigate the impact of the proposal and enhance the site.

In May 2024 the EAS confirmed it had no additional comments. In responding it notes that the access road is next to the SSSI woodland, and it has been flagged that the road could have a negative impact on the SSSI. The response notes the bunds proposed along the route that would reduce noise levels from the access road. The EAS advise that there is a need to ensure that the construction of the bund is carried out under a methodology to minimise impacts – this would be part of the construction management plan.

In June 2024 the EAS note the concerns raised that the proposal would result in the loss of open mosaic habitat in previously developed land (OMHPDL), which can be a priority habitat. As detailed within paragraph 84 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005¹ which states that “... *The potential effects of a development, on habitats or species listed as priorities... ..are capable of being a material consideration in the ... making of planning decisions*”.

From reviewing the satellite photos the EAS agree that OMHPDL could be present within the site and in particular within the areas of the site which have larger areas of bare ground. The EAS advise that the areas where notable invertebrates were likely to be recorded are within areas where OMHPDL could be present. In response the Applicant detailed the following:

“KCC asked for further details of the impacts associated with invertebrates which could not be adequately compensated. The proposals will result in the permanent loss of suitable habitat for a range of notable invertebrate assemblages including a small number of Nationally Scarce species. The permanent losses will occur in association with species which require bare ground or ephemeral vegetation which do not form part of the restoration scheme. These habitats are difficult to create and maintain away from artificially created habitats such as quarries, or naturally occurring sites, such as cliff faces. The restored area will not include bare ground, and areas of open sand, which will naturally result in the loss of a small number of Nationally Scarce species associated with these habitats. This loss is considered to be off-set by the creation of new diverse habitats such as ponds, a stream, scrub and low input grazing areas with high floral diversity.”

¹ [odpm-circ-0605.qxd \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/41423/odpm-circ-0605.qxd)

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The EAS accept the response provided by the Applicant that once the proposed habitats had been established and actively managed habitats would be present within the site to support a diverse invertebrate population. To further enhance the site for invertebrates, if planning permission is granted the site could be enhanced through the creation of areas of bare ground throughout the site.

The EAS highlight that if OMHPDL is present on site it would be lost as part of the proposal and we advise that like for like habitat replacement works cannot be implemented within the current scheme. However as detailed above the proposed habitat creation works are likely to provide opportunities for the species found within the habitat.

101. **Kent County Council Public Rights of Way (PROW) – No objection**, subject to a condition securing the prior approval and implementation of safety measures for pedestrians using footpath SR338 at the point where the path would cross the proposed haul road. This road would have an adverse impact on the public enjoyment of the route due to increased noise and possibly mud, which needs to be kept clear. This impact would be mitigated by the proposal to reinstate a footpath along the original route of SR338, across the quarry site when the works are finished.
102. **Kent County Council Flood and Water Management (F&WM) – No objection**, subject to conditions securing a detailed sustainable surface water drainage scheme, a report demonstrating that any discharge to ground would not resultant unacceptable risk to controlled waters and/or ground stability, and a verification report on the above on completion.

Concerns were initially raised regarding the infiltration / soakage testing carried out to demonstrate that the designed proposed had capacity to manage the surface water runoff within the site, recommending that further testing would be required to determine the feasibility of infiltration proposed and that any consent be subject to detailed conditions referred to above.

In 2024, F&WM advised that whilst not experts in 'side slope stability' F&WM note the concerns expressed [in the most recent submission] with regards to side slopes of 1 in 4 being required to ensure long term stability – whilst leaving this ultimately to Amey Consulting to accept (given that they requested the alterations) F&WM would advise that side slopes of 1 in 3 are common place throughout Kent. The concerns also appear to relate to the volume of fill and not flood risk although F&WM are aware that this could have implications on surface water management, this would be assessed as part of the detailed design condition. No comment is given as to which approach is most appropriate (i.e. 800,000m³ or a lesser volume referred to by Amey Drainage) as either would manage surface water flood risk suitably.

103. **County Heritage Conservation Officer (CO) – No objection**, subject to conditions securing the updated HGV routing strategy, including limiting HGV movements along the eastern route to the site (the A25 passing through Brasted and Sundridge) to a maximum of 100 movements per day (50 in, 50 out), the retention and protection of existing trees on the boundaries closest to Court Lodge and Covers Farm and the provision of the temporary bunds along the haul road.

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The CO commented as follows:

The work to restore the quarry would inevitably have an effect on the surrounding area, however as this would be “temporary” (period of six years), and the outcome should enhance the area in the long term. The CO confirms no adverse comments to make about the restoration aspect of the scheme in the context of local heritage assets.

The use of a new haul road would ensure the Westerham Conservation Area would not be adversely affected by HGV movements. The CO confirms that in considering the setting of Court Lodge (Grade II* Listed) (approximately 130m south-east of the application site at the closest point), the building is in an elevated position and well screened by trees from the M25 and the site of the new haul road. The documents state that the temporary works for this haul road would include bunds that could be sited to give greater sound protection to the listed building. Given the above, the CO confirms no adverse comments to make on this part of the scheme.

The CO notes that the traffic management scheme proposed, would result in up to 200 HGV movements a day passing through the Conservation Areas in Brasted and Sundridge. This would have an adverse effect on these conservation areas sited either side of A25. The central parts of these villages are Conservation Areas and contain high concentrations of historic and listed buildings, many of which flank the A25 road frontage. The construction traffic would be routed through comparatively narrow streets with traffic calming measures at intervals. As such, the negative impacts of a significant increase in the numbers of large and heavy vehicles passing along this route would be felt by those who live and work in these settlements, Negative impacts include the increased personal safety risks associated with HGVs passing through highly populated areas, as well as decreased air quality, increased noise levels, increased traffic congestion and excessive vibration caused by heavy, fully laden lorries. Vibration from road vehicles can be the cause of structural damage to historic buildings. This is due to the type of traditional materials used in the buildings’ construction, which can make them less robust than their modern counterparts.

Regarding the negative impact of increase construction traffic in the area, the CO suggested that mitigation measures should be put in place to reduce the number of vehicle movements along the A25 from the initial proposal of 200 per day (100 in, 100 out). The CO notes that the initial proposal has since been modified with a new traffic routing strategy that proposes a limit of 100 vehicle movements per day (50 in, 50 out) along the eastern route to the site – the A25 passing through Brasted and Sundridge. Recommending that this should be controlled by condition.

In terms of impacts on heritage in the immediate geographical area of the scheme, the CO identifies no negative impacts resulting from the proposed quarry restoration works, provided that the tree screening between the application site and Covers Farm – a Grade II listed farmhouse on the southern edge of the quarry site – remains in place and effective as a visual barrier. The tree screening between the grounds of Court Lodge, a Grade II* listed building and the new haul road should also be maintained to protect its setting, along with the provision of the proposed bunds to help mitigate any noise impacts.

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In conclusion, the CO reiterates that, once completed, the quarry restoration work should have no long-term negative impacts on the setting, character or appearance of historic assets within the wider area affected by the proposal. There will, however, be some negative impacts during the construction phase. These would be experienced in the areas surrounding the proposal site as a result of significantly increased numbers of industrial vehicles passing through the conservation areas in Brasted and Sundridge. The CO notes that previous comments relating to vehicle movements have been addressed by reducing the number of proposed HGV movements along the A25 the east from 200 to 100 movements per weekday.

104. **County Archaeological Officer (CAO) – No objection**, subject to conditions.

The CAO confirms the Archaeological Desk Based Assessment provides a good assessment of archaeological issues for the main Covers Quarry. Regarding the proposed route of the haul road, the recommendations note that there would be some non-designated heritage assets, in the form of a brickworks at the easterly end and historic field boundaries, in close proximity. The CAO notes that the route of the haul road is beside the motorway, and it is likely to have been subject to a level of disturbance as a result.

No significant archaeology would be likely to be affected however the CAO recommends that it would be appropriate for formal archaeological work to take place to record any unknown surviving remains. The CAO recommends the following conditions to secure a phased programme of archaeological work and protection for the *Scheduled Medieval Earthwork including fencing*.

105. **Campaign to Protect Rural England (CPRE) Protect Kent – Raises objection.** Supports and endorses Westerham Town Council's reasoned objection and in particular the detailed critique of the Surface Water Drainage Strategy and its criticism of the Transport Statement. The reasons for CPRE's objection are:

The County Council should determine this application on its own merits, however CPRE cannot ignore the fact that the development is linked to a scheme, Which Way Westerham (a masterplan for the future development of Westerham drawn up by Squerryes's Estate involving the provision of housing and a relief road as part of the earlier Sevenoaks Local Plan work.), which would have further and major implications for the Green Belt and the Kent Downs AONB. Therefore, unless good reason has been given, and accepted, that the approved restoration scheme should be replaced as now proposed, CPRE's position is that the original scheme should be retained and implemented.

CPRE key concern is whether the proposals are necessary. It notes the 'Need and alternatives' section of the application documents states: 'The need for stabilization has become evident over time, since the faces of the northern void are beginning to fail. In particular, if the northern slope were to fail, this could pose a risk to the M25, which lies a short distance to the north. Furthermore, the water level within the northern void is rising, and ultimately is likely to overflow across adjoining land, representing a localised flooding risk.' The case of need rests on the Slope Stability Assessment commissioned by the applicant. This requires objective technical appraisal and CPRE ask that this be undertaken for the Council.

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If that independent assessment supports, unequivocally, the absolute need to protect the M25 from a catastrophic slippage and other risks, and that there are no workable alternatives to the proposals, then CPRE recommend that the Council judge whether the proposed mitigations to the impacts from the operations are sufficient to justify approval. Commenting further on need, CPRE considers that the proposals rely substantially on the alleged risk of movement in the gault clay and the danger that would cause to the nearby M25. However, expert judgements about this are not consistent; with the Applicant's consultants taking one view and Westerham Town another, based on their own technical advice. It is suggested that KCC take its own professional advice to establish the true position, given the uncertainty and the acknowledged impact.

Environmental Harm –affects such as noise and vibration, dust and visual impacts would essentially be temporary, However, whether they need to be endured at all must depend on the judgement about the need for the works, which CPRE question. More importantly, it is now widely accepted that what we used to call climate change is in fact a climate emergency. This puts a duty on planning authorities to have regard to the effects of any development which would worsen rather than mitigate the present situation. The majority of greenhouse gas emissions come from transport; HGVs are the worst polluters on the road in respect of emissions, noise and vibration. All of these would impact on settlements on and around the A25. Only indisputable evidence that the works were essential would override the conclusion that these harms were unacceptable.

Green Belt - if the restoration proposals exceed what is essential in practical terms, then the harm to the Green Belt from years of disturbance outweigh any case for 'very special circumstances' to apply

106. **Kent Wildlife Trust (KWT)** – supportive of the restoration of Covers Quarry and do not object to the development in principle. However, on reviewing the application (as amended) KWT are **concerned** with the direct loss of priority habitats and impacts to ancient woodland, protected species and designated sites from the works including the impact upon Westerham Woods SSSI and the Devil of Kent Ancient Woodland. It recommends that larger buffer zones (50m) should be provided around both areas of ancient woodland to prevent damage from the indirect impacts of dust, noise, pollution, and possible artificial lighting. KWT are also concerned that the loss of open mosaic habitat would remove important habitat for a diverse invertebrate community, including species of principle importance. The proposed replanted woodland is not an acceptable mitigation for the loss of the invertebrate habitat.

The proposals would also result in the loss of 0.21ha of priority habitat deciduous woodland. Priority habitats are a focus for conservation in England and are protected within the National Planning Policy Framework. Priority habitats are also protected within the Sevenoaks Local Plan (adopted in 2011) under policy SP11 where sites of biodiversity value (such as priority habitats) are "*protected with the highest level of protection*".

KWT are supportive of the restoration of the quarry, however this should not be at the loss and degradation of priority habitats and therefore should be avoided. We understand some works to stabilise steep faces of the quarry are required, however these works should follow the mitigation hierarchy and avoid all unnecessary

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works/loss of habitats that are not needed for safety. Currently KWT feel the mitigation hierarchy has not been applied appropriately due to the unacceptable loss of priority habitats. KWT note 0.42ha of woodland is proposed to be planted as compensation for the loss of deciduous woodland, however there is no reference to mitigation for the loss of open mosaic habitat. KWT urge that the loss of priority habitats are avoided through the review and redesign of the proposals. Currently, due to the loss of priority habitats, KWT do not feel the development aligns with NPPF and policy SP11 within the Local Plan.

Overall, KWT are not convinced that the application demonstrates it complies with NPPF, the NERC Act (2006) or aligns with policy SP11 of the Sevenoaks Local Plan. It requests that Kent County Council's Ecological Advice Service and Natural England are consulted regarding ecology and European designated sites.

107. **Kent Downs Area of Outstanding Natural Beauty (AONB) Unit – No objection**, subject to conditions securing the restoration of the site within 6-years; the removal of the temporary haul road, site compound and bunds proposed, and the land restored to its former condition on completion of the works.

The site lies entirely within the Kent Downs AONB. (now National Landscape). The application should therefore be tested against the purpose of the designation, to conserve and enhance the natural beauty of the Kent Downs AONB and the way that this purpose is represented in local and national policy.

The proposed restoration scheme is considered appropriate to local landscape character and would represent a significant improvement to the current condition of the site. The Kent Downs AONB Unit raises concerns regarding the proposed impact of the haul route on the landscape of the Kent Downs AONB. However, it recognises the need to avoid traffic through the town centre and the fact that it is proposed that the route would be removed, and land restored to its former condition on completion of the works.

If KCC are minded to approve the application, the Kent Downs AONB Unit consider it essential that appropriate mechanisms are put in place to ensure the removal of the haul route and compound, including the bunding and the restoration of the land following their removal. If there is any doubt as to the finance being available to secure this a removal/restoration bond should be required. It is also considered important to ensure that a time limit is put on the restoration works to minimise the duration of the operational impact; we note it is anticipated that the restoration will take six years.

108. **Surrey Hills AONB Team – No objection**, subject to a condition securing the removal of the haul road on completion of the restoration.

The Surrey Hills AONB Team responded to the application (as amended) in November 2018, February 2020, February 2021, August 2022, May 2023 and April 2024.

Commenting strictly from the point of view of the neighbouring Surrey Hills Area of Outstanding Natural Beauty, it recommends that the proposed landscape restoration of the quarry is supported in the interests of the wider protected landscape. Surrey Hills AONB Team confirms it is not able to comment or advise on the method of restoration

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or the haul route as these are unlikely to impact upon the Surrey Hills AONB. It recommends that provision should be made for the removal of the haul road once restoration is complete.

109. **Thames Water – No comments** on the application.
110. **Southern Gas Networks** – no response received to consultation letters sent in March 2020, January 2021, August 2022 May 2023, and May 2024.

Local Member

111. The local County Member for Sevenoaks West, Mr Nick Chard was notified of the application on 6 November 2018 and on all subsequent further information submissions. He attended the Committee site visit and circulated a statement signed on behalf of the communities of Westerham Town Council, Keep Westerham Green, Brasted Parish Council, Sundridge and Ide Hill Parish Council, Sevenoaks District Council (Westerham Ward) and Bromley Borough Council (Biggin Hill Ward). A copy of the statement is attached at Appendix 3.

Publicity

112. The application was initially publicised by the posting of several site notices around the site and on public footpaths, an advertisement in a local newspaper, and the individual notification of 193 residential properties. Upon receipt of further information amplifying and amending the proposals, the application was re-advertised and all neighbours, including anyone who made representations were re-notified. Following the submission of further information submissions the application was re-advertised in February 2020, March 2021, September 2022, June 2023, May 2024 and June 2024.

Representations

113. 499 letters of representation were received in response to the application. 497 of the letters raised an objection to the application, 2 letters were received in support.
114. A number of residents' groups; Keep Westerham Green, Westerham Society, Woldingham Association and Oxted & Limpsfield Residents Association have submitted comments on behalf of others.
115. Chair of the Board of Governors at Churchill C of E Primary School (Westerham) has also objected on behalf of the school and Radnor House School (Sundridge) have submitted a transport review which they have commissioned.
116. Comments cover the following areas:
- No proven case of need for stabilisation works by importing fill material.
 - Amenity impacts on communities of increased traffic.
 - Highways Congestion and Safety.
 - Air Quality impacts – for residents/school children on transport routes and near haul road.
 - Impact on Listed Buildings and Conservation Area.
 - Impact on AONB, Light pollution, Green Belt.

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- Visual Impact of Haul Road, which did not form part of the original restoration.
- Noise and vibration from operations and traffic, particularly through Brasted and Sundridge, Churchill Primary School and residents adjacent to the workings.
- Impact of waste disposal on countryside and nature conservation and established biodiversity.
- Access should be to the West.
- Cumulative impact of traffic associated with Moorhouse Development.
- Application provides income to the landowner from the infilling and then there will be proposals to keep the haul road and turn it into a bypass.
- There is nothing wrong with the original restoration proposals.
- The claims of the imminent collapse of the motorway into the pit, or now the latest suggestion that the lake will overflow are a sham.
- More material importation than is necessary is being proposed.
- Material volumes required are double counted.
- The sand pit is merely the start of the applicant's broader ambitions regarding reassigning the Town envelope via his Trojan horse "relief road" (temporary haul road) in support of incremental housing development.
- Residents continue to be plagued by motorbikes and quadbike users in the winter and then in the summer hordes of rude, aggressive and otherwise disrespectful youths accessing the Pit for "recreational" activities.
- The applicant continually fails to secure the site as he is obligated to do under the Quarries Act 1954 which it is the responsibility of the Planning Authority, in this case KCC, to ensure that he is at all times compliant with their grant of planning and consequently compliant with the Quarries Act; and
- The only acceptable way to make the site compliant would be to fence the entire perimeter first where KCC has the powers to ensure this is done, or to the preference of everyone get on and return the site to agricultural land as called for under the pre-existing and current grant of planning and thereby absolve the applicant and KCC of the expectations of the Quarries Act because it would no longer apply.

117. **Sandra Robinson** - Sevenoaks District Councillor for Brasted, Chevening and Sundridge provided a detailed response on 3 July 2023. In summary the following concerns are raised:

- The proposed Junction 5 HGV route through Brasted and Sundridge would be disastrous to residents' lives – detailed data and analysis provided to support this view;
- The application's proposed route for HGVs to Covers Farm via Sundridge and Brasted is a bewildering choice. The route would take HGVs along the section where the A25 is already narrowest and along which HGVs are already unable to pass each other as two-way traffic;
- The narrowness of the A25 through Sundridge and Brasted, the lack of pavements through the villages, coupled with the density of homes closely to the A25 will damage the health of over 1,000 Kent residents, particularly through diesel particulates and raises serious safety concerns;
- The juxtaposition of narrow road, homes directly on it and the noise from 200 HGV trips a day during working hours, will affect the ability to work and concentrate, for our many residents who now work from home;

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- The projected heavy use of HGVs passing so close to 70 Listed homes will put their structures and fabric at risk of damage;
- The projected heavy use of this route will disfigure our local life, and damage the economy of our local shops and businesses;
- The existing congestion along the A25 through Sundridge and Brasted, caused by the narrowness of the road and lack of off-road parking for residents, already has HGVs stopping and engines idling in effective one way traffic. Further exasperating residents and our regular hauliers and bus drivers by adding more HGVs relating to a project that isn't even local, appears incomprehensible;
- There is not one benefit, declared or implicit, from this project for the Brasted and Sundridge residents. They will only suffer for several years, to no purpose;
- The A25 Oxted route from Junction 6 to Westerham is a significantly wider road, where HGVs can pass each other throughout without difficulty as two way traffic. It is far less densely populated, has only a fraction of the listed buildings and minimal parking/delivery problems which cause one-way traffic as seen daily in Brasted and Sundridge. This Oxted route was already the one used for the works that created the Covers Farm sandpit in the first place;
- The Oxted route continues to be the best option for Covers Farm traffic in 2023, just as it was before now: both easier for the HGV drivers themselves, and safer, less polluting and less damaging to residents, businesses and heritage buildings;
- When the M25 is closed or there is a problem, traffic is diverted along A25. Oxted is less impacted and congested by such events;
- I ask Kent County Council and Councillors to consider in balance, the very heavy penalties they would be imposing on Brasted and Sundridge residents, daily and for many years, with this nonsensical Junction 5 route; penalties in corroded health, reduced pedestrian and cyclist safety, damaged quality of life and heritage buildings, and an injured local economy - all for one commercial sandpit located elsewhere.

A further representation was made on 24th May 2024 repeating the above concerns and presenting further analysis, comparison of Sundridge versus Oxted route and maps, detailing road widths and pinch points. It is argued the proposal is contrary to the National Planning Policy Framework (NPPF), KCC Highway's Local Transport Plan LTP4 and the Freight Action Plan for Kent, as well as Sevenoaks Draft Local Plan 2040.

118. **Laura Trott, MP for Sevenoaks and Swanley** in June 2020, commented that the local town council and a number of constituents had contacted her to express major concern in relation to the application. Whilst they support the restoration of the pit, they also wish it to be carried out in a way which is sympathetic to the town and surrounding areas whilst causing minimal disruption. Particular concerns expressed include:

- Worries about the noise and air pollution which will be caused by both the construction and use of the haul road along the boundaries of the site;
- Questioning whether the suggested stability issues with the M25 exist;
- The amount of lorry movements required and the resulting adverse effect on neighbouring villages (in particular Brasted and Sundridge which are within my constituency);
- Whether there is a need to import a minimum of 800,000m³ infill;
- Potential drainage and flooding issues resulting from discharge of water from the

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- lake;
- Concerns whether the length of the project has been underestimated – thereby prolonging further the disruption to the local area;
- The harm to the Green Belt and Area of Outstanding Natural Beauty.

Ms Trott comments that more detailed reasoning will be found in the responses from both Westerham Town Council and the Keep Westerham Green group, and asks that before coming to a decision, the County Council consider most carefully the views of local people who will be affected by the proposal for many years to come.

119. **Claire Coutinho, MP for East Surrey** in May 2021, referred to Surrey Highways Authority concerns about routing HGVs through Surrey to the site, and specifically their comments in a letter to KCC dated 28 May 2020 (set out in Surrey County Council comments above).

Ms Coutinho further states:

"I have received representations from constituents about the safety of road users, including cyclists as this is a very popular cyclists route, given the width of the road and the gradient, with so many 30/40 tonne 4/5 axle rigid vehicles travelling each day for 5 to 6 years. They believe that the use of the B269 and B2024 seems inappropriate given the fact that all other routes are A road routes and that the A25 routes through Brasted, Sundridge and Westerham are protected, and I ask this is taken into consideration when making your decision. Should Kent County Council be minded to approve this application KCC/SE/0495/2018 my constituents ask that approval is conditional on the B269 and B2024 route (routes from Zone E) through Warlingham be withdrawn from the routing plan and that access to the site be only via A roads. Additionally, they would request that Warlingham Parish Council are established as part of the monitoring board in order to provide a mechanism for HGVs pertaining to the Covers Quarry planning application can be monitored and reported through an appropriate channel."

(NOTE: Following a proposed reduction in HGV movements using the B2024/B269 to 10 two-way trips a day Surrey County Council have subsequently removed their objection subject to a condition and routing plan – see comments above dated 6th September 2021.)

Discussion

120. The application is a complex one, attracting significant local objection and raises a range of planning issues that need to be considered against the development plan and other material planning considerations. Having extracted the sand from the site, there is a requirement to restore the land and the County Council would expect the site to be restored to an acceptable scheme that reintegrates the site appropriately into its Kent Downs National Landscape Area and Green Belt setting. In considering this proposal, regard must be had to the Development Plan Policies outlined in the 'Planning Policy' section 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, the NPPF, Government Guidance and other material planning considerations including those arising from consultation and publicity.

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121. Given its Green Belt location, whether the need for the proposed development could be carried out such that any amenity and environmental impacts are capable of mitigation sufficient to outweigh any harm or inappropriateness to the Green Belt is central to the determination of this application. Any proposed restoration should also meet the exceptional circumstances test for development within the National Landscape (formerly AONB).
122. This proposal is complex and there are number of matters that are interdependent, and the report follows a narrative of the issues. In my opinion the key material planning considerations can be summarised by the following headings:
- Principle of restoration
 - Technical Feasibility of the approved restoration scheme
 - Green Belt
 - Landscape and Visual Impact
 - National Landscape (NLA) (Formerly AONB)
 - Ecology
 - Transport
 - Air Quality
 - Noise and Vibration
 - Heritage
 - Stability
 - Drainage / Flood Risk
 - Harm to the Green Belt
 - Alternatives
 - Other Issues

Principle of Restoration

123. The site has been subject to a number of planning permissions to extract sand, firstly to the south and subsequently in the northern half of the site. It is understood the last mineral extraction was sometime around 2008 but there remained a stockpile of worked sand that continued to be removed from site and this activity is understood to have ceased around 2012-2013. The southern half of the site has been restored to some extent and the northern area was to be restored in accordance with restoration plan 379/27b (dated April 1987). Initially an extension of time for completion of working and restoration was sought on the basis of remaining reserves in the final phase of working, until 30 April 2014. This deadline has been extended four times since and the existing request to further extend the date for completion of the extant restoration is held in abeyance until determination of this application and would require an Environmental Impact Assessment to be carried out if it is necessary to pursue the submission. Limited restoration has been carried out in the northern area to-date.
124. The approved restoration scheme was to be achieved by cut and fill operations to achieve the final landform. It did not require any importation of material; the land would rise to around 136-140m AOD either side of a valley feature. A number of hedgerows were proposed to be planted to create a series of small fields.

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125. The approved scheme is based on the principle that the surface water collecting in the quarry void would drain to a low point (or sump) that would naturally soak away through the underlying sand. The scheme proposed an internal valley feature, with the surrounding land sloping to a central ditch with a small pond in the north (at c. 114mAOD) and an overflow drain to a southern pond (at c. 110mAOD).

Technical Feasibility of the approved restoration scheme

126. The Applicant submits that the approved restoration scheme would no longer work as the key issues of stability and drainage at the site would not be addressed by the approved scheme, see below. None of the geotechnical issues above were known about or present when the 1983 scheme was designed.
127. Parts of the quarry site are unstable, largely as a result of the Gault Clay face being left over-steepened, which has been the case for some time. This current application comments that when Redland were still owners and active on the site, their geotechnical consultants reviewed a range of alternative engineering techniques in 1994. It is assumed these were being considered to make the approved restoration scheme deliverable, and included retaining structures, reinforced gravity walls, lime/cement piles, anchored sheet piles, anchored diaphragm walls, and soils nails. The solution advocated in 1994 was to buttress the face through the importation of some 1.2 million cubic metres of inert fill and reuse 60,000 cubic metres of Gaul Clay to restore the pit. This recommendation was not taken up by Redland, no application was submitted, and the instability remains to be addressed in some way.
128. Following further detailed mass balance modelling work by the Applicant (as requested by our geotechnical consultants) it has also come to light that to achieve the approved restoration scheme now would require the import of 300,000 cubic metres of fill material (which would form part of the proposed import of 800.000 cubic metres). This is based upon comparison of the current topographical survey and the approved restoration scheme and may be either because the original mass balance modelling carried out in the early 1980's was not thorough or accurate or because Redland extracted too much sand 15 or so years ago. It is the Applicant's case that even with the 300,000 cubic metres of fill it, the stability issues would not be addressed. Amey Geotechnical in advising the County Council on this application, advise that the material that was to be used in the original restoration scheme was the reworked overburden (clay) and tile waste located in the centre of the site and this would not meet the specifications for material suitable for placement below water. The engineering material required to meet the original restoration is not available on site and would therefore require importation.
129. It is also argued that the drainage scheme envisioned in the original restoration scheme would not work either as the design is based on the natural balancing of accumulated surface water draining into the underlying sands and that neither lake has a direct link to the underlying sand. The Applicant states that as the sand extraction face progressed northwards, the ever-increasing thickness of the stripped Gault Clay was placed in the base of the northerly working area, thereby effectively sealing the exposed sand preventing any soakaway. Within a short space of time the surface runoff from the large area of exposed Gault Clay in the quarry faces deposited a layer of silt/clay across the final area of exposed sand effectively sealing this area too.

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130. It is submitted that this has led to the presence of the large waterbody that has subsequently formed in the north of the site due to the sealing of the exposed sand. In the absence of any intervention this is considered by the Applicant a flood risk that could ultimately spill over onto adjoining land. In turn the presence of the waterbody has impacted on the geotechnical characteristics of the Gault Clay faces, such that any dewatering would increase the risk of slope failure (drainage is discussed further later in the report).
131. The Applicant proposes this restoration scheme as an alternative for consideration. It is appropriate to consider how this proposal sits with Green Belt policy, recognising that the approved scheme was considered acceptable in terms of its impacts upon Green Belt at the time.

Green Belt

132. The whole site lies within the Metropolitan Green Belt, the purpose of which is principally to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 150 of the NPPF states that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
133. Paragraph 152 says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is advised that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 155 of the NPPF recognises that certain forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it; this includes mineral extraction and engineering operations. Mineral extraction at the site was granted planning permission in accordance with Green Belt policy, and the expectation that the site would be restored, as supported by national and local planning policies, thus maintaining the openness of the site.
134. Green Belt Assessment (GBA) - The Applicant has latterly submitted a full Green Belt Assessment which refers to the reports by the Applicant's engineers GB Card & Partners (GB Card), submitted with the application, which conclude that parts of Covers Quarry are not stable in the medium term in their existing form, especially the northern face close to the M25. It refers to the GB Card Technical Note TN06 as confirming that the northern half of the site remains largely unrestored with unstable, over-steep slopes that are (1) not suitable for arable or crop farming, (2) unsuitable for re-planting, (3) prone to significant soil erosion, and (4) prone to significant slope instability, which is currently the case. It is this area of the site that is bordered by the M25. The GBA refers to a second objective being the statutory planning requirement to restore the quarry to a suitable landform and beneficial after-use, consistent with its countryside location. It refers to the northern void filling with water (northern lake) and the likelihood of this continuing, thus posing a health and safety risk given the 22

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metres depth of water presently within the void. It is submitted that the filling of the water body results in further risk to stability and the potential for overtopping and flooding.

135. The GBA argues that mineral working is by definition not inappropriate development in the Green Belt. It states the aim of the development proposed is to achieve a gentle landform more consistent with that of the Green Belt in this location and which, crucially, is stable and supported by an effective drainage scheme that prevents the build-up of water, provides natural infiltration and results in a landform that is stable in the long term. The restoration of the site is to agriculture, with enhanced landscape features and biodiversity. It acknowledges some short-term impacts from the engineering operations and proposed infrastructure but identifies these as being temporary. It is argued that the proposals maintain the long-term openness of the Green Belt and its permanence, having no long-term impacts on the Green Belt or its purpose and is therefore not inappropriate development.
136. Notwithstanding this conclusion the assessment has also considered whether Very Special Circumstances exist. It sets these out as:
- a) The absence of any long-term harm to the purposes of including land within the Green Belt;
 - b) The fact that this is a former quarry with an as yet unfulfilled requirement for the restoration of the quarried areas (under past permission SE/83/1511 (as extended));
 - c) The fact that this restoration, by necessity, already requires the importation of material to achieve the approved restoration scheme;
 - d) The visually contained nature of the local landscape which minimises the impact on openness in the short term, during the infilling and profiling operations;
 - e) The need for intervention to improve the geotechnical stability of the land and tackle the geotechnical instability of the existing site, caused by the depth of historic extraction and presence of Gault Clay;
 - f) The urgent need to improve drainage conditions to enhance land stability, which if left risks both overtopping within the short term beyond a 25m depth and is already saturating the Gault clay, exacerbating land instability issues and meaning that 'doing nothing' is not a viable option;
 - g) The urgent need to reduce the 22m depth of open water with eroding banks to address public safety concerns, through the risk of unlawful entry to the water body;
 - h) The resulting need to create a sustainable drainage system that will allow natural infiltration and prevent future instability;
 - i) The inability of the present condition of the site to support viable after use;
 - j) The enhanced restoration scheme proposed and viable agricultural after-use which, by definition, is an appropriate use within the Green Belt that maintains its permanence and openness;
 - k) That the development is temporary and short term, with a limited duration of infilling, restoration and planting of less than 6 years;
 - l) That there are no built structures other than those that are temporary and support the proposed restoration operations;
 - m) That the restoration and landscaping scheme proposes long-term enhancement to the character and appearance of the landscape through new tree and hedge

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planting that enhance the sense and quality of countryside, its character and appearance as a positive part of the Green Belt;

- n) The reinstatement of the public right of way, through a landform that is both stable and safe;
- o) The ecological and biodiversity net gain created through increased habitat diversity, tree and hedge planting, wetlands and refugia that are part of the restoration proposals.

137. The GBA concludes that the restoration scheme, would be wholly consistent with Green Belt purposes.
138. Officers do not agree with that conclusion and consider the proposals contrary to Green Belt policy. Planning Policy requires substantial weight to be given to any harm to the Green Belt. To reiterate, Paragraph 153 of the NPPF states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The report firstly considers the potential amenity impacts and then will consider whether the development is inappropriate in the Green Belt and the very special circumstances that are advanced in this case.

Landscape and Visual Impact

139. The NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment. Proposals should protect and enhance valued landscapes and sites of biodiversity, they should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The NPPF seeks specifically contribution and enhancement by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. As set out above great weight is given to conserving and enhancing the landscape and scenic beauty in National Landscapes (formerly AONBs).
140. The Planning Practice Guidance (PPG) gives guidance on the restoration and after-use of Minerals Sites and recommends that a landscape strategy is prepared that defines the landscape opportunities and constraints, considers potential directions of working and waste material storage in relation to visual exposure, identifies the need for any additional screening during operations and considers after-uses and options for the restored landscape.
141. The landscape restoration proposals include:
- restoration of the re-profiled quarry area to low input pasture;
 - retention and improvement of an area in the north-west for biodiversity including a matrix of ponds, neutral grassland and perennial vegetation enclosed by a new native hedgerow; woodland edge planting against existing woodland;
 - Central north-south wetland and ponds as part of the sites restored drainage system including marginal and aquatic species and wet grasslands;
 - Wood pasture connecting Devil of Kent Wood and Farley Common along the line of the restored PROW which was diverted when the quarry was operational; and
 - the haul road and compound area to be removed at completion of construction including ripping up of all surfacing, removal of any structures, replacement of soil

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along the route, which has been stored in bunds, and re-seeding. Hedgerow sections lost to be replanted to match existing.

142. The LVIA comments that the landscape character of the site is derived from its topography, which has been significantly disturbed by mineral extraction, the large pond which has formed in the steep-sided northern excavation, the sparsely vegetated slopes and extensive areas of bare or disturbed ground. It concludes that with the exception of the wooded ridges to the north-west at Devil of Kent Wood, and to the east at Farley Common, the site's character contrasts and detracts from the character of the Upper Darent Valley (West) Landscape Character Area.
143. The LVIA acknowledges that the landscape character would be altered during construction as levels are altered, and movement of large plant and HGVs means the site would be active in contrast to its current state that lies unused and derelict. On the basis that the works would be short-term and carried out in a phased fashion and with only limited lighting as necessary in the compound, landscape impacts are considered by the Applicant as not significant. It is also considered that impacts on landscape character from construction of the haul road would be temporary and being routed predominantly alongside the existing transport corridor of the M25 and mainly through areas of low landscape quality. As such the landscape effect is assessed as not significant.
144. Following removal of the haul road and compound, the restored site is assessed in the application as having a beneficial impact on the landscape and National Landscape (formerly AONB) in the short-term, increasing in the longer-term, with long-term beneficial effects on views and visual amenity from some viewpoints, in particular for users of the public footpaths across and around the site.
145. The current site is not visually prominent in the local environment due to existing topography of the surrounding landscape out with the application boundary. The site is currently considered to be of low sensitivity due to its history of sand extraction and the proximity of the M25.
146. KCC's Landscape Advisor (Amey – Landscape) comments that the proposed scheme has a minimum height of circa 120m compared with 116m in the approved scheme which is a substantial increase in land levels. The fill material is required to be of a geotechnical standard and Amey do not consider inert waste would meet this standard. Amey would require further information on the type of material to be used and how it would be inspected and graded prior to filling. They consider the use of inert waste could be seen as a landfill operation if not of a geotechnical standard and thus would likely be considered inappropriate development in the Green Belt. The Applicant proposes that a Materials Management/Waste Recovery Plan be conditioned for submission following a decision on the planning application. Amey point to a discrepancy in the maximum slope figures between GB Card TN06 and the Green Belt Assessment, 1 in 13 (4.4°) and 1 in 4.3 (13°) respectively. The Green Belt Assessment refers to restoration being a reinstatement of a pasture-based landscape while GB Card TN06 states a return to agricultural usage, and that a 1m thick capping is required which would comprise 600mm of clay material, overlain by 300mm of subsoil and 100mm topsoil and/or growing medium. Amey Landscape are unable to confirm if the proposed capping layer would be suitable until the final use is confirmed. They would require specification of the topsoil if it were being made on site,

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confirmation of topsoil mixing and storage and how the soil would be sampled to ensure conformity with the proposed standard and that no heavy metals or contaminants are present. An outline of the material handling has been given in the application; further detail would be required by condition. These details would also need approval by the Environment Agency as part of the permitting process.

147. In considering the proposed haul road, Amey requests a tree survey and tree protection fencing in line with British Standard 5837: 2012 Trees in relation to design, demolition, and construction. The Applicant has suggested a detailed landscaping plan be secured by condition.
148. Following receipt of the further information in March 2024 (TN06 and Green Belt Assessment), Amey Landscape consider the higher finished levels of the proposed scheme (a total of 207,705m³ of capping soils for agricultural restoration of the infilled and restored landform) to be significant and would wish to see more detail on the proposed fill material. They have concerns regarding the exact nature of the proposed afteruse and they do not feel able to advise on the depth of materials required.

National Landscape (NLA) (Formerly AONB)

149. The site lies within the Kent Downs National Landscape Area. The most westerly boundary of the application site abuts the County boundary with Surrey where the NLA designation continues as part of the Surrey Hills NLA. Local authorities have a legal duty under Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purposes of the NLA in carrying out their planning function. The NPPF confirms that NLAs are equivalent to National Parks in terms of their landscape quality, scenic beauty and planning status, and it requires that great weight be given to conserving and enhancing landscape and scenic beauty of the NLA, the scale and extent of development to be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on designated areas.
150. Paragraph 183 of the NPPF says that when considering applications for development within a NLA that permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; the cost of, and scope for, the development outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. It is considered that the proposed restoration of the site is a major development however the desire to have the site restored appropriately would meet the exceptional circumstances test in this instance.
151. The extraction operation has left the land significantly altered with respect to its topography and denuded vegetation so contrasting and detracting from the character of the surrounding landscape and the NLA, hence the County Council has been pressing for restoration of the site.
152. Planning Guidance requires local plans to include policies to ensure worked land is reclaimed at the earliest opportunity and that high-quality restoration and aftercare of minerals sites takes place, this is supported by Policy DM19 of the adopted KMWLP.

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Policy DM 19 of the emerging KMWLP similarly supports restoration and aftercare to the highest possible standards and requires proposals to deliver sustainable afteruse that benefit the Kent community, economically, socially or environmentally; and achieve at least 10% for Biodiversity Net Gain.

153. The Kent Downs AONB Management Plan 2021-2026 contains a number of policies relating to sustainable development. Of particular relevance is Principle SD8 which seeks that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.
154. Policy DM2 of the adopted KMWLP and the emerging KMWLP recognises that mineral and waste developments can have adverse impacts on sites of international, national and local importance, this includes AONBs (NLAs). The policy acknowledges that NLAs have the highest status of protection in relation to landscape and scenic beauty. It states that planning permission for major minerals and waste development in a designated NLA will be refused except in exceptional circumstances and where it can be demonstrated that it is in public interest. In relation to other minerals or waste proposals in an NLA, great weight will be given to conserving and enhancing its landscape and scenic beauty. Policy DM2 requires consideration of:
- the need for the development, including in terms of any national considerations and the impact of granting, or refusing, the proposal upon the local economy;
 - the cost of and scope for developing elsewhere outside the designated area, or meeting the need in some other way; and
 - any detrimental impact on the environment, the landscape and recreational opportunities, and the extent to which the impact could be moderated taking account of the relevant AONB Management Plan.
155. Further, in recognising the locational context of existing mineral and waste sites, Principle GNR2 of the AONB Management Plan highlights the importance of careful management and sensitive restoration of such sites within the NLA.
156. There is a clear need to see the site restored and bring about a positive outcome for the landscape and scenic beauty of the area, especially given the current unmanaged poor state of the site. Kent Downs AONB Unit and Surrey Hills AONB Unit have concerns regarding the impact of the haul road but both, on balance, consider the longer-term benefits of restoring the site to outweigh that impact, subject to securing the removal of the haul road upon completion of the restoration.
157. It is argued that the restoration of the quarry including the reintroduction of landscape features, the proposed ecological enhancements and return of the land to agricultural use is considered beneficial to landscape character which would in turn benefit the NLA. The geotechnical assessment of site conditions and assessment of the proposed drainage scheme cast doubt over the necessity for the site to be restored in the manner proposed. However, in light of the lack of objection it would be difficult to sustain a ground of refusal on this basis alone.

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Ecology

158. As set out earlier in my report the restoration of this mineral working site is overdue. The site has not been subject to any significant activity for several years and a degree of natural colonisation has occurred. An Ecological Impact Assessment (EclA) of the site has been carried out (and forms part of the Environmental Statement) to identify, quantify and evaluate potential effects of the proposal on habitats, species and ecosystems. An additional Ecological Impact Assessment was submitted in April 2023 considering the removal of woodland required to facilitate the creation of the new infiltration basin proposed in the revised drainage scheme. It noted no material change in the wider site and therefore assessed that all previously detailed mitigation, compensation and enhancement measure were still applicable to the scheme.
159. The NPPF seeks development to provide enhancement of the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity of geological value and soils. It requires development to minimise impacts on biodiversity and provide net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
160. The NPPF supports remediation and mitigation of despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
161. Paragraph 186 of the NPPF sets out several principles, including that if significant harm cannot be adequately avoided, mitigated, or as a last resort, compensated for, then the proposed development should be refused. Where impacts occur on nationally designated sites, development should normally be refused unless the benefits of the development must clearly outweigh any adverse impact. Specific reference is also made to the protection of irreplaceable habitats and how planning permission should be refused unless there are wholly exceptional reasons and an adequate compensation strategy in place.
162. Policy DM2 of the KMWLP and the emerging KMWLP aims to ensure that there are no unacceptable adverse impacts on designated sites, and again where there is overriding need for the development requires any impacts to be mitigated or compensated for in order to provide a net gain in biodiversity. Policy DM3 of the adopted KMWLP and the emerging KMWLP seeks to ensure that an adequate level of ecological assessment is undertaken to ensure that proposal do not result in unacceptable adverse impacts on important biodiversity assets. Policy SP11 of the Sevenoaks Core Strategy (February 2011) similarly seeks to conserve and enhance biodiversity and where possible enhancement of a green infrastructure network to improve connectivity between habitats.
163. The EclA accompanying the application determined a 1km Zone of Influence and identified designated sites, habitats and vegetation, and rare, notable and legally protected species within this area. The nearest statutory designated site is a small section of Westerham Woods Site of Scientific Interest (SSSI) located to the south of the M25. This part of Westerham Wood is in close proximity to the proposed temporary internal access road and approximately 125 metres east of the main quarry

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workings. Westerham Wood and the woodland located immediately north of the proposed haul road is also designated as Ancient Woodland. Farley Common Local Wildlife Site (LWS) is located 275m east of Covers Quarry and comprises an open field with broadleaved boundary woodland. Farley Common is also designated as Common Land, which extends across a wider area than the LWS of the same name, a section of which is located adjacent to the eastern boundary of Covers Pit.

164. A Phase 1 habitat survey and habitats identified consist of common and widespread species with a matrix of bare ground and ephemera/perennial vegetation, semi-improved grassland, scrub and broadleaved woodland along site boundaries. Nine water bodies were identified within Covers Quarry. The route of the proposed haul road mainly comprises improved grassland with associated boundary features. The nature conservation value of the habitats at the site is of local value.
165. A series of species surveys were also undertaken prior to submission of the application, this included Bats, Badger, Hazel Dormouse, Birds, Reptiles, Great Crested Newt and Invertebrates. The predicted effects of the proposed restoration and haul road on the designated sites, habitats and species are set out in detail in the EclA.
166. *Mitigation* - It is proposed that avoidance and mitigation of impacts would be managed during construction via the implementation of a Construction Environment Management Plan (CEMP). It is also proposed an Ecological Focus Area (EFA) (or reception area) would be created on the western side of the site to compensate for impacts which are unavoidable or not possible to mitigate. Aftercare of the site would be managed in accordance with an Ecological Mitigation and Management Plan (EEMP). The EEMP would include specific habitat creation and management prescriptions, duration of monitoring and who would be responsible for each action. Mitigation, compensation and management would be secured through planning conditions / legal agreement, and European Protected Species Mitigation licences.
167. Specifically, with regards to designated sites, Westerham Woods would be buffered from the haul road by 25 metres. It is argued that this would reduce potential indirect impacts from traffic associated with the access road. It would also be flanked by bunds to reduce potential indirect impacts associated with noise, dust and heritage assets. It is proposed that Farley Common be buffered from the reprofiling works by at least 15m to avoid noise, dust and vibration impacts. In relation to habitats and invasive species it is proposed that the boundary woodland would be protected by retaining a buffer of at least 15m between the site and the woodland. Habitat loss (from filling works) would be addressed and compensated for via new habitats created in the EFA and as part of the restoration plan, this would include woodland and woodland edge, trees, pasture, wet grassland and ponds. It is proposed that Japanese Knotweed in the central part of the site would be buried, and elsewhere dealt with appropriately via the preparation of a Japanese Knotweed Eradication Strategy to ensure it does not spread on to the site.
168. It is proposed that the EFA would provide long-term foraging suitable for a variety of bat species. Restoration works would be carried out during daylight hours where possible and buffering of boundary vegetation would prevent accidental incursion into suitable bat roosting habitat. A regular check for badger activity would be carried out annually with suitable mitigation secured (following advice from a qualified ecologist) if

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impacts are unavoidable. Hazel Dormouse habitat would be created within the restored scheme to be contiguous with existing habitat to avoid habitat fragmentation. Measures are proposed to avoid any habitat suitable for nesting birds to be carried out outside of the main bird breeding season, and where not possible inspections would be carried out prior to removal by a suitably qualified ecologist. It is intended that the EFA would also include suitable breeding habitat for most recorded species and include areas of wetlands.

169. Prior to any filling operations it is suggested that reptile exclusion fencing would be erected on the area to be restored with animals being translocated to the north-west of the site outside of the restoration area. The EFA would include areas of suitable habitat. Great Crested Newts are a protected species it would be necessary to obtain a mitigation licence from Natural England (NE) and the Applicant has submitted an application for a District Level Licence to include reasonable avoidance measures and translocating them, although this has yet to be accepted by NE. A variety of habitats for and features suitable for invertebrates (including a few notable species found on site) would be provided in the EFA.
170. Westerham Woods Site of Special Scientific Interest comprises Gault Clay Ancient Woodland. Paragraph 180 of the NPPF requires planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 180 (b) requires that decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Natural England and Forestry Commission's 'standing advice' for ancient woodland, ancient trees and veteran trees is a material planning consideration for local planning authorities (LPAs). The guidance requires local authorities when making decisions to consider conserving and enhancing biodiversity and avoiding and reducing the level of impact of the proposed development on ancient woodland and ancient veteran trees. Kent Wildlife Trust object to the proposals and do not consider a sufficient buffer zone has been provided to the ancient woodland. However Natural England has no objection to the proposals, subject to appropriate mitigation being secured. It states that in order to mitigate these adverse effects and make the development acceptable measures to protect Westerham Woods SSSI from indirect impacts arising from the proposal should be secured as indicated in the Outline Ecological Mitigation and Management Plan (OEMMP). They advised that an appropriate planning condition or obligation be attached to any planning permission to secure these measures.
171. KCC Ecological Advice Service (EAS) comments that the ecological survey data is now 4-5 years old and therefore have considered if it is still adequate for decision making purposes. The updated ecological survey has confirmed that the site conditions have not changed significantly and therefore they are satisfied that the survey results are likely still to be valid and no specific species surveys are required as part of this current application. However, EAS highlights that updated species surveys would be required to inform the detailed mitigation strategies and inform the dormouse EPS licence. Therefore, it is recommended that if the applicant is intending for works to commence within the next 12 months, then updated surveys be carried out this survey season.

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172. With regard to the proposed mitigation, with the exception of Great Crested Newts (GCN) they are satisfied with the principle of the mitigation proposed which is a mixture of precautionary mitigation and the implementation of species translocation. It is proposed that District Level Licensing for GCN be used. The Applicant must demonstrate they have been accepted onto the DLL scheme by submitting a signed Impact Assessment and Conservation Payment Certificate. Whilst the Applicant has submitted the forms and payment to Natural England, they have not yet received a certificate. It is advised that the OEMMP would have to be updated to cover the current layout of the proposal and provide the results of updated species surveys. Whilst EAS are satisfied this could be addressed by condition, they would not be able to provide the wording of such until receipt of the signed Impact Assessment and Conservation Payment Certificate.
173. The impacts to dormice would be addressed in detail through European protected species mitigation licences or for GCN through a District Level Licence issued by Natural England. The Conservation of Habitats and Species Regulations 2017 requires Kent County Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Kent County Council must consider whether it is likely that a European Protected Species Mitigation (EPSM) Licence from Natural England would be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:
1. Regulation 55(2)(e) states: a licence can be granted for the purposes of *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*.
 2. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied *“that there is no satisfactory alternative”*.
 3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”*
- EAS are satisfied that the ‘favourable conservation status’ test is satisfactorily addressed in the submitted information for dormouse, but require a copy of the Impact Assessment and Conservation Payment Certificate to be submitted to enable KCC to be satisfied that a licence will be issued. It is considered that Natural England would be likely to support the general principle of restoring the quarry as it offers beneficial consequences to the environment and as with any restoration and would need to provide mitigation for protected species.
174. EAS acknowledge that open mosaic habitat in previously developed land (OMHPDL) which can be a priority habitat, could be present on site, particularly within the large areas of open ground. Such habitats are likely to support notable invertebrates and the proposed scheme these areas would be lost. However, they are satisfied that the proposed habitat creation works are likely to provide opportunities to support a diverse invertebrate population.
175. The EAS note that the proposed haul road is next to the SSSI woodland, and it has been flagged that the road could have a negative impact on the SSSI. It is understood

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that the proposed bunding would reduce noise levels from the access road usage. There is a need to ensure that the construction of the bund is carried out under a methodology to minimise impacts, this could be secured by condition within a CEMP.

176. Enhancing the site and on-going Management - Under section 40 of the Natural Environment and Rural Communities Act 2006 and paragraph 180 of the NPPF, biodiversity should be maintained and enhanced through the planning system. EAS are satisfied that the habitat creation, proposed management and inclusion of enhancement features would both mitigate the impact of the proposal and enhance the site. However, EAS advise that there is a need to ensure that the habitat creation and on-going management requirements are fully implemented.
177. It is concluded that with appropriate mitigation, as set out in the application and in the final EEMP, the proposals would enhance biodiversity, although the proposals have yet to be accepted on the DLL scheme.

Transport

178. This application proposes a restoration scheme that would be achieved by importing 800,000m³ of fill material. It is relevant to consider the associated traffic movements that would be required to deliver the material.
179. Paragraph 114 of the NPPF states that in assessing applications it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users;
 - the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
 - any significant impacts from the development on transport networks (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
180. Furthermore, paragraph 115 goes on to say that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
181. The application refers to The Local Transport Plan (LTP4) the vision of which is to deliver safe and effective transport, ensuring that all Kent’s communities and businesses benefit, the environment is enhanced, and economic growth is supported. It also refers to the Kent Freight Action Plan which aims to “*Promote safe and sustainable freight distribution networks into, out of and within Kent, which support local and national economic prosperity and quality of life, whilst working to address any negative impacts on local communities and the environment both now and in the future*”.
182. Policy DM13 of the KMWLP requires mineral and waste development to demonstrate that emissions associated with road transport movements are minimised as far as

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practicable and by preference being given to non-road modes of transport. The policy goes on to state that where development proposals require road transport, they will be required to demonstrate that:

- the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety;
 - the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, the impact of traffic generated does not have an unacceptable adverse impact on the environment of local community; and
 - emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours. Particular emphasis will be given to such measures where development is proposed within an AQMA.
183. The Sevenoaks District Council Core Strategy 2011 requires that detailed transport impacts of development are assessed at the planning application stage noting that in some instances, development may be conditional on implementation of specific transport mitigation measures. The Sevenoaks District Strategy for Transport 2010-2016 was prepared in parallel to the Core Strategy, the main aim being to reduce congestion and pollution and tackle problems of accessibility and road safety. Chapter 16 acknowledges the need to signpost heavy transport and HGV routes away from rural, residential and environmentally sensitive areas. Policy T1 of the Sevenoaks Allocations and Development Management Plan 2015 requires new developments to mitigate any adverse travel impacts including impacts on congestion and safety, environmental impact (noise, pollution, tranquillity and impact on amenity and health.
184. The material required to achieve the proposed engineered restoration would primarily come from southeast London and would be delivered to site by road over a period of 5-6 years. To avoid impacts upon Westerham town centre a temporary haul road is proposed running adjacent to the M25. The planning application is accompanied by a transport statement which reviews relevant policy documents, existing traffic conditions, the development proposals and was undertaken in accordance with current guidance for such studies. Consideration of present highway safety was reviewed and then the current proposals were assessed in terms of access arrangements, trip generation, trip distribution their potential impact and proposed mitigation. The transport statement was updated in February 2020 and included changes to the traffic distribution on routes and confirmation of use of GPS tracking on all vehicles accessing the site.
185. The proposed haul road would be built between London Road and Croydon Road and would gain access from the existing A233 Beggars Lane/London Road roundabout junction, (via an additional arm) before traversing land within the ownership of the applicant, parallel to the M25. The final design of that access junction would need to be subject to a Section 278 Highways Agreement. The haul road would connect with Croydon Road via a signalised junction which would be required to facilitate HGV movements from the east needing to cross Croydon Road to access the site.
186. The methodology for calculating travel demand was based upon Transport Assessment work for reclamation projects and assumed between 14 and 18 two-way

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HGV trips per peak hour. Assuming an 11-hour working weekday, this would correspond to 150-200 daily HGV movements distributed across the network. For a six-hour Saturday workday this would equate to up to 108 two-way HGV movements. The calculation assumes that deliveries to the site would be evenly spread throughout the day. In addition, it is forecast that five staff would travel to and from the site in the peak hour periods, comprising one site foreman/manager, one ticket office operative, two machine operators and one labourer.

187. The application initially anticipated the HGVs delivering fill material via the strategic road network would be distributed as follows:

- Journeys using the A233 London Road: 33.5% of trips; and
- Journeys using Beggars Lane and the A25 East: 66.5% of trips.

Additionally, a sensitivity test has been undertaken, with 15% of trips using Croydon Road north.

188. Following concerns expressed about the potential impact of traffic upon the environment and communities of villages along the A25, the traffic distribution has been adjusted so that no more than 100 HGV trips (50 in 50 out) per day would occur along this route, this is confirmed in a draft routing plan which has been submitted. It is proposed that use of those routes would be controlled through a Traffic Management Plan and the design of the access, which would prevent large vehicles from accessing the site from the south. It is said this would also ensure that no vehicles would use the A25 to the west of Westerham. Any vehicles travelling from the west would be required to use the M25 to the junction at Sevenoaks and then the A25 via the Chipstead junction. Furthermore, the Applicant has confirmed that only vehicles fitted with GPS tracking equipment would be permitted to access the site.

189. Highways Officers (KCC) have extracted data from the Transport Statement, Table 3.1 shows the current AADT (Annual Average Daily Traffic flow), HGV two-way flows and compared the additional HGV two-way flows generated by the proposal (maximum) on the 3 routes to be used (see below).

	Existing traffic per day (2017)	Existing HGVs per day (2017)	HGVs as % of total traffic	Additional HGVs per day	HGVs as % of total traffic as proposed	% difference in HGVs
A25 East	15,422	1,298	8.4%	100	9.1%	0.7%
A233 North	10,322	804	7.8%	100	8.8%	1.0%
B2024 Croydon Road North	3,199	257	8.0%	10	8.3%	0.3%

190. Highways Officers are satisfied that the data given still offers a robust assessment of traffic flows.

191. The Applicant has subsequently offered to further limit the number of vehicles using to Croydon Road to no more than 10 two-way movements (5 in each direction) per day.

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Surrey County Council raise no objection, subject to this lower limit being formally set out in the approved routing plan and being secured by a suitable condition which they wish to agree the wording of. Tatsfield and Warlingham Parsh Council's maintain their objections and wish to see this route not being used at all.

192. The A223 London Road north, passing through Biggin Hill, is within the London Borough of Bromley who raise objection to the proposals but comment that if KCC is minded to grant permission they request the following conditions:
- There shall be a weekday limit of 100 two-way HGV movements (i.e. 50 trips into the site and 50 trips out of the site) and no weekend HGV movements using London Road (A233), Westerham Hill and Main Road, Biggin Hill route; and
 - All HGVs shall be fitted with GPS monitoring equipment and the routing data recorded and monitored and made available to the Local Planning Authority, Kent County Council, upon request.
193. KCC Highways Officer considers that the above increases in HGV movements are not so significant as to have a severe effect (as stated in NPPF Paragraph 115) on highway safety and congestion, particularly taking into account that these are classified roads on strategic routes, and which currently have up to 15,000 vehicles per day using them. The Transport Statement identifies that the 3 routes to be used all have a low crash record. It is acknowledged that the proposed haul road and routing agreement are such that there would be no impact on Westerham Town Centre. It is also considered that given the low staff numbers it is not considered necessary or appropriate to require a travel plan for the development.
194. The Highways Officer therefore raises no objection providing the following conditions are applied to any consent granted:
- The number of HGV movements is restricted to a maximum of 200 two-way movements per day, on weekdays and Saturday mornings only, for an 11-hour day with a maximum of 100 two-way HGV movements along the A25 (east), a maximum of 100 two-way HGV movements along the A233 (north), and a maximum of 10 two-way HGV movements along Croydon Road (north). The HGV traffic movements should be reasonably evenly distributed across an 11-hour day from 07:30 to 18:00 on weekdays and 07:30 to 13:00 on Saturdays and with no excessive peaks and a maximum of 12 HGV movements per hour along the A25 (east) and A233 (north) and a maximum of 2 movements per hour along Croydon Road (north);
 - A lorry routing agreement is entered into between the Applicant and KCC, the details of which are to be submitted and approved prior to any works commencing.
 - Details of the signalised junction on Croydon Road are submitted and approved by KCC and implemented prior to any works commencing. These works will be subject of a Highways Act 1980 Section 278 Agreement;
 - Details of the revised roundabout on London Road/Beggars Lane junction are submitted to and approved by KCC and implemented prior to any works commencing. These works will be the subject of a Highways Act 1980 Section 278 Agreement;
 - The junction works both on Croydon Road and London Road are reinstated back to the original layout once the works are complete;

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- A pre-commencement condition survey of Croydon Road in the vicinity of the site access and the London Road/Beggars Lane roundabout are carried out and agreed with KCC prior to any works commencing;
 - Submission of a Construction Management Plan before commencement of any development on site to include the following:
 - a) Routing of construction and delivery vehicles to/from the site.
 - b) Parking and turning area for construction and delivery vehicles and site; personnel;
 - c) Timing of deliveries;
 - d) Provision of wheel washing facilities; and
 - e) Temporary traffic management/signage;
 - All HGVs to be fitted with GPS Tracking. Data regarding timing and routing to be made available to the LPA at any time when requested.
195. Access from the west - A number of third parties have argued that a route to west for vehicle visiting the site has not been explored sufficiently. Specifically, Sevenoaks District Council are concerned that the proposals are also predicated on access from the north and east and do not clearly justify why this is preferable to access from the west, utilising the existing site access. The solution proposed may therefore be more likely to adversely impact on the amenity of residents than an alternative scheme.
196. The Applicant has commented that this would result in a longer haul route, would result in having to use the existing access from the A25 rather than a dedicated route which immediately accesses the works compound, and direct impact on Oxted and Limpsfield with no opportunity for alternative routes to be used i.e. all the HGVs travelling along a single route to Junction 6 of the M25.
197. The Applicant also argues that traffic from the east could not be stopped from passing through Westerham and there would be no haul road to bypass the town centre. Members must consider the proposals in front of them; however, the Highways Officer has considered the Applicant's comments and is satisfied that there is justification in the arguments put forward.
198. Junction safety - Following questions about junction safety at the Members site visit, Highways Officers investigated the crash data for the following junctions and report as follows:
- A25 / A21 Junction, Bessels Green - Existing crash data indicates 21 crashes (5 serious, 16 slight) in the past 5 years to 17/06/24. Crashes generally involve vehicle movements to / from Homedean Road from Westerham Road where a signing and lining scheme was implemented. This location has been investigated subsequently and is reported in the latest Chevening Highway Improvement Plan as follows: "*over the last 3 years there has been 4 personal injury claims. This is not on the current years crash cluster site of junction sites so we will continue to monitor this location for potential improvements next year.*" HGV traffic associated with the Covers Pit proposal would only negotiate the slip roads, not the remainder of the junction. There were no crashes on the A25 to A21 slip. There were 2 crashes on the A21 to A25 slip, both resulting in slight injuries, with the vehicles reported as skidding/ loss of control due to wet conditions.

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- Junction of Pilgrims Way with London Road, Westerham - Crash record of 7 crashes (1 serious, 6 slight) in the past 5 years, generally involving right-turn movements.
 - Warning signs were introduced in 2022 and, whilst the site is still being monitored on the Crash Remedial Measures programme, no further action is currently planned as there is a declining trend.
 - Proposed signal crossing on Croydon Road - Will be the subject of a Section 278 Agreement (including the traffic signals) and this will include a requirement for a Road Safety Audit.
 - Traffic Signals Team consider that visibility will be adequate provided traffic speeds reduced to 40 mph. Schemes Team agree that 40mph speed limit would be a feasible option, particularly if insufficient visibility for 60mph (current speed limit). Current speed data available indicates vehicles travelling between 40 and 44 mph.
199. With regard to the proposed Croydon Road crossing, the Highway Officer comments that given the restriction on the number of HGV movements (200 two-way movements per day with maximum of 18 per any one hour) that the frequency of crossings will be very low and unlikely to generate any significant queues. Where schemes are proposed, these would pass through the Section 278 approvals process as the designs are progressed to ensure they are satisfactory in respect of technical and safety issues. Additional signage could be placed on the approaches as they are temporary works. The 40-mph speed limit change would require a Traffic Regulation Order to be advertised. This could all be conditioned to ensure approved schemes must be implemented prior to works starting.
200. Reference has been made by third parties to other major developments generating significant traffic at Fort Halstead (mixed use development) and Chevening Parkland scheme (landscape enhancements, bunds and surface water drainage). The Highways Officer comments that they each have routing schemes which do not coincide with the routes proposed for this application, i.e. they are not using the A25 between Westerham and M25.
201. The Highway Officer remains satisfied that the proposals are satisfactory subject to the conditions set out above.
202. National Highways (NH) have commented upon the application in terms of the potential impacts the development might have on the M25 between junctions 5 and 6. Initially concern was expressed regarding the volume of HGV traffic using the proposed haul route and the negative impact it would have on upon the stability on the M25 earthwork cutting. Further geotechnical analysis and information has been provided by the Applicant. NH are satisfied with the information provided and request conditions be attached to any grant of planning permission seeking details as follows:
- Temporary haul road - prior approval of detailed design information including all design calculations, technical reports and construction drawing and specifications;
 - Infilling and restoration – no infilling works until submission of a report that includes:
 - An Instrumentation and Monitoring Strategy with agreed trigger levels both during and post completion of the restoration works;
 - Agreement of a reporting procedure; and

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- Preparation of an Emergency Action Plan with agreed actions in case of trigger breaches.

The report to provide reassurance that the infilling works will not have an unacceptable impact on the safe operation of the M25 strategic road network. The report will be approved by the Kent County Council following consultation with National Highways.

Air Quality

203. The NPPF seeks planning policies to contribute to and enhance the natural and local environment which includes air quality. Specifically, paragraph 192 states: Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
204. Planning Policy Guidance advises that concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. It says they could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads, or construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more. It acknowledges that air quality may be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.
205. The Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031 (also referred in the transport section) includes an outcome for 'Better Health and Wellbeing', *"Provide and promote active travel choices for all members of the community to encourage good health and wellbeing and implement measures to improve local air quality."* The Plan also makes specific mention of air quality conditions in Sevenoaks, and states: *"...when there is congestion on the M25 and/or M26 it can lead to inappropriate use of local roads, such as the A25 leading to the villages along the route experiencing congestion with associated air pollution concerns."*
206. Policy SP2 of the Sevenoaks Core Strategy seeks the design and location of new development to take account of the need to improve air quality in accordance with the Districts Air Quality Action Plan. It states that permission will be refused where unacceptable impacts cannot be overcome by mitigation.
207. In the Local Air Quality Action Plan 2009, Sevenoaks District Council declared 13 Air Quality Management Areas (AQMA), four of which have since been revoked. There are two relevant to this application, AQMA No.2 along the M25 corridor to the north of

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the quarry and AQMA No. 13, which encompasses the entire length of the A25 from the border with Tonbridge and Malling in the east and the border with Tandridge on the west.

208. The Government has established a set of air quality standards and objectives to protect human health. The standards are set as concentrations below which effects are unlikely even in sensitive population groups, or below which risks to public health would be exceedingly small, timeline objectives for compliance are given. The objectives for use by local authorities are prescribed within the Air Quality (England) Regulations 2000 (and subsequent amendments).
209. Existing air quality data and potential dust impacts have been considered in a detailed air quality assessment in accordance with an approach developed jointly by Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM). The impacts of increased emissions arising from the additional traffic on local roads, including the A25 through Brasted and Sundridge, and the new haul road, have been assessed. Concentrations have been modelled for five worst-case receptors, representing properties where impacts are expected to be greatest. Concentrations of particulate matter PM₁₀ and PM_{2.5} (fine particulate matter) would remain below objectives at all receptors with or without the proposed restoration.
210. However, annual mean concentrations of nitrogen dioxide are predicted to exceed the objective at two receptors in Brasted, with or without the restoration works. These receptors are within the AQMA, and monitoring has already recorded exceedances above the objective (in previous years), although there is understood to be a slight downward trend in concentrations for the past six years. It is commented further that although moderate adverse impacts are found at these locations. Sevenoaks District Council comment that the degree of HGV traffic resulting from the use of Beggars Lane and the proposed access would not only result in significantly increased levels of noise and disturbance but would also exacerbate levels of air pollution within the adjacent M25 Air Quality Management Area, which would be seriously detrimental to the amenities of occupiers of the adjacent primary school and the adjacent residential properties. It is also concerned that the signalled road crossing (Croydon Road) would potentially cause delays and queues along the public highway.
211. The County Council's air quality advisors (Amey) acknowledges that exceedances have already been recorded within the AQMA and that the assessment has been carried out based on all traffic (200AADT) travelling through Brasted which would represent very much a worst-case scenario. In any event it is now proposed that HGV traffic using the A25 through Brasted would be limited to 100 HGV movements per day (through routing agreement). As a result, traffic would be displaced onto the London Road (A233) north of the proposed haul road, but again modelling carried out assumed a worst-case scenario with all restoration traffic using this road to access the site and impact was assessed as negligible. The Applicant confirms that 50% of HGV traffic would use the A233, around 100 HGV movements per day. Given the above Amey agree that the effects of the proposed vehicle movements on air quality are judged to be not significant in terms of the additional impacts.
212. The restoration works have the potential to create dust through site preparation, importation of fill material and materials handling across the site. The operational dust impacts assessment has predicted 'Moderate Adverse' impacts at the receptors

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closest to the quarry, such as properties to the north of Farleigh Common. It is submitted that the assessment has been carried out on a worst-case scenario and any impacts would be temporary in nature. If best practice mitigation measures are employed to minimise the potential for off-site dust effects, the overall impacts are judged to be 'not significant'. The County Council's Air Quality advisors concur with that view and suggest that if Members are minded to grant permission the operational dust mitigation measures be subject to a condition to ensure they are employed on site.

213. It is considered that the effects of air quality have been assessed in a robust fashion that follows established and suggested methodologies and on that basis, there are no grounds to raise objections to the proposals in terms of the direct and indirect impacts on the wider area.

Noise and vibration

214. Potential noise impacts attributable to the additional HGV movements upon the surrounding roads have been considered, based upon an assessment of the change in noise levels. Vibration associated with traffic using the proposed access road has also been considered within the assessment in accordance with British Standard BS 5228. It is considered that vibration levels associated with the HGV movements along the access road would be low and considered imperceptible beyond around 20 m. Given that there are no properties in close proximity to the haul road it considered any vibration impacts would be negligible.
215. The NPPF presumes in favour of sustainable development, although the permitted operations should not have an unacceptable adverse impact on the environment and have appropriate noise limits adopted to control noise. The current PPG relating to noise which covers mineral extraction and related processes (including aggregate recycling, disposal of construction waste) provides guidance and advises upon acceptable levels of noise from mineral operations.
216. For normal daytime works the guidance seeks to ensure that the operations do not result in significant adverse effects and advises for normal daytime operations that the following limits should not be exceeded:
- 10 dB above background (LA90); subject to
 - a maximum value of 55 dB $L_{Aeq,1\text{hour}}$ (free field).

The guidance suggests that in the evening (19.00-22.00) $L_{Aeq,1\text{hour}}$ noise levels should not exceed the background (L_{A90}) noise level by more than 10dB and during the night-time a limit of 42 dB $L_{Aeq,1\text{hour}}$ should be adopted.

217. It is recognised that there is the potential for certain noisy short-term activities such as site preparation and restoration work where those activities cannot meet normal operational limits. A more lenient limit is suggested where those activities are short-lived, a level of 70 dB $L_{Aeq,1\text{hour}}$ for period of up to 8 weeks. Where temporary works may exceed 8 weeks it can be appropriate to apply a lower limit for a longer period. The guidance also recognises that in wholly exceptional cases, where there is no viable alternative, a limit of 70 dB $L_{Aeq,1\text{hour}}$ may be appropriate in order to obtain other environmental benefits.

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218. Policy DM11 of the KMWLP covers health and amenity issues. Mineral and waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment.
219. A noise monitoring exercise was undertaken at surrounding noise sensitive properties (NSP) and background noise levels at these properties were established. The potential sources of noise have been considered in terms of their noise output and likely period of operation.
220. Access Road Noise - The assessment concludes that noise levels associated with the initial construction of the access road from the A223 to the quarry are anticipated to remain below the proposed normal working limits at the surrounding properties, with the exception of Brickfield Cottages. It is argued that the construction of the access would be a short-term operation and thus the higher 70 dB $L_{Aeq,1 \text{ hour}}$ limit would be applicable. It is concluded that on this basis and providing the residents are informed prior to the works and that measures to ensure noise levels are minimised, noise levels during the construction of the haul road would be acceptable and would not result in any significant adverse impacts.
221. It is noted that whilst noise levels at Churchill Primary School would remain acceptable and unlikely to result in adverse impacts, the applicant is proposing that any operations generating high levels of noise, such as construction of the nearby bund, would be carried out during school holidays or outside of lesson time where practicable. Noise levels associated with the use of the haul road by HGV traffic are anticipated to remain low and below the proposed normal operating limit at nearby properties and would be experienced against existing ambient noise levels associated with traffic noise from the M25.
222. Quarry Operations Noise - With regard to properties close to the quarry itself, noise calculations have been based on plant operating in each area of the quarry simultaneously, which is likely to represent a worst-case scenario. Properties to the south and west of the quarry – Westwood Farm, Covers Farm and Bungalow – would remain below the proposed normal working limits throughout the proposed operations and therefore not result in any adverse noise impacts at these properties. The assessment anticipates higher noise levels at the properties to the east including Farleys Mill and neighbouring properties and Greencroft Farm. It is suggested that works within 50m of the site boundary with these properties noise levels would potentially increase above the normal working limit however this would represent a small portion of the overall engineering works area. On this basis it is considered unlikely that there would be a requirement for plant to operate within the area for more than a few weeks and to minimise any potential disturbance, works within 50m of the boundaries would be restricted to less than 8 weeks per year. The revised noise chapter of the ES and the letter from the Applicants acoustic specialists received in April 2024 provide additional detail on these works and refer to additional noise monitoring during these activities. It would be possible to attach a planning condition to this ensure these measures are secured.

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223. The assessment therefore concludes that with appropriate management and controls that noise levels at surrounding properties would be acceptable and not result in any significant adverse noise impact thus complying with the requirements of the NPPF and local planning policy. The County Council's noise consultant (Amey) is satisfied with the revisions to the Noise and Vibration ES Chapter.
224. Off-site Road Traffic Noise – Consideration has been given to the changes in traffic noise based on a change in traffic flows on roads surrounding the site. The calculations indicate that the additional traffic accessing the proposed development would result in very small increases in road traffic noise levels on the surrounding road network. The highest changes are anticipated along Beggars Lane, where increases of 0.7 dB weekday and 0.9 dB Saturday mornings, are predicted. It is concluded that increases in road traffic noise levels would result in at worst a negligible impact upon residents of dwellings alongside the identified roads, with noise levels substantially below those that would result in any significant adverse noise impacts.
225. The noise and vibration assessment indicate that the operations and associated traffic would not result in any significant adverse impacts. It is proposed that mitigation measures would be implemented as part of the site design, including the provision of bunding alongside the access road. Controls would be adopted during construction of the haul road to ensure works did not adversely impact upon the neighbouring school. It is proposed that noise control measures such as maintaining plant, silencers, minimising drop heights, use of non-tonal reversing signals etc., and these could be secured by planning condition. Monitoring and maintaining the good condition of the access road and controlling the speed of vehicles would also minimise noise and vibration impacts. The Applicant also proposes a noise monitoring scheme within a Noise and Vibration Management Plan be submitted and agreed prior to any works commencing on site.
226. With the appropriate noise mitigation measures implemented as part of the overall design and on-going monitoring and control measures implemented, the assessment concludes there would be no residual effects.
227. Amey comment that given that the general area is currently subject to continuous traffic noise from the adjacent motorway and accepting that construction works necessarily give rise to periods of elevated noise and disturbance, they are satisfied that the noise and vibration assessment provided is robust. It applies current best practice guidance appropriately and suitably assesses the scheme's potential effects on nearby noise sensitive properties and therefore has no objection provided suitable mitigation and best practice noise controls are implemented.

Heritage

228. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard must be given by the planning authority in the exercise of planning functions to the desirability of preserving or enhancing Listed Buildings and their settings, while Section 72 refers to the special regards given to the preservation or enhancement of Conservation Areas. Legislation regarding archaeology, including scheduled ancient monuments, is contained in separate Acts.

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229. Chapter 16 of the NPPF provides national policy for conserving and enhancing the historic environment. Paragraph 200 states that planning decisions should be based on the significance of the heritage asset, and that the level of detail supplied by an applicant should be proportionate to the importance of the asset and no more than is sufficient to understand the potential impact of the proposal on their significance.
230. Sevenoaks District Council Core Strategy (February 2011) Policy SP1 requires the District's heritage assets and their settings to be protected and enhanced. The Allocations and Development Management Plan (February 2015) Policy SC1 presumes in favour of sustainable development with reference to the conservation and enhancement of the District's cultural heritage. Policy EN4 states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
231. The heritage assessment accompanying the planning application has identified fifty-nine listed buildings, including the Grade I listed Squerryes Court, four Grade II*s and fifty-four Grade IIs, Westerham Conservation Area and the Squerryes Court Registered Park and Garden. A number of non-designated built heritage assets, located within the Conservation Area were also identified. The assessment concluded that given the intervening distance, topography, vegetation and or buildings, there is no potential for the asset's significance to experience any perceptible change as a result of the proposed development.
232. The following heritage assets that have potential to be impacted and have been assessed are:
- Westerham Conservation Area;
 - Squerryes Estate (incorporating the RPG and all listed buildings within it);
 - Covers Farmhouse; and
 - Court Lodge.
- The assessment concludes that the long-term proposed development will have no impact on the significance of Westerham Conservation Area and the Squerryes Court Estate (incorporating several designated built heritage assets). The proposed restoration of the study site is considered to offer an enhancement to the significance of the Covers Farm.
233. The Scheduled Monument 'Linear earthwork 230m south west of Covers Farm' is located immediately south of the study site and comprises an Anglo-Saxon/Medieval boundary earthwork. It is not considered the proposals would have any impact upon this asset. The majority of the site is previously disturbed by mineral extraction and there is not considered to be any archaeology remains of significance. Historic England have no views and no views have been received from the County Archaeologist.
234. The County Council's Conservation Officer had expressed concerns about the impact of HGV traffic passing through Brasted Conservation Area as have the Parish Council and many local residents. As a result, the Applicant agreed to limit the HGV traffic using the A25 to access the site to 100 movements per day.
235. The Conservation Officer further comments that the quarry restoration works should have no long-term negative impacts on the setting, character or appearance of historic

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assets within the wider area affected by the proposal. There would, however, be some negative impacts during the five-year construction phase of the proposal. These would be experienced in the areas surrounding the proposal site as a result of significantly increased numbers of industrial vehicles passing through the Conservation areas of Brasted and Sundridge. Any measures designed to limit the movements of heavy vehicles in these architecturally sensitive centres of population should be adopted if possible. However, previous comments relating to vehicle movements have been addressed by reducing the number of permitted vehicle movements along the A25 east of the proposal site from 200 to 100 movements per weekday.

236. Summary of Amenity Impacts – Each of the amenity impacts set out above do not individually raise any objection from technical consultees and therefore by themselves do not cause harm to the Green Belt. However, given the substantial protection afforded to the Green Belt it is also necessary to consider whether the proposed restoration scheme could be inappropriate development in this Green Belt location. This is considered below.

Stability and Drainage Issues

237. It is the Applicant's case that the current state of the site and stability issues arise out of site conditions left by previous working, the progression of time and the lack of drainage. Figures provided by the Applicant suggest that 206,500m³ of fill is required for stability, 304,250m³ for drainage and 207,705m³ for landscaping/restoration, adding up to 718,455m³, and allowing for 10% for volume estimations is rounded up to 790,301m³. There does not appear to be any interdependency of these figures considered by the Applicant.

Stability

238. It is argued that the over-steepened existing Gault Clay slopes have shown signs of instability in the form of shallow, translational type failures², although locally along the northern slope nearest to the M25 deeper rotational failures³ have also been identified.
239. A condition on planning permission SE/83/1511 required slope inspection reports to be carried out on a bi-annual basis, which has been done. Following a 2-year hiatus the last formally submitted report was produced in November 2015. A Slope Monitoring Report submitted with this planning application was commissioned by the Applicant in April 2018, this also was to meet the requirement for slope inspections required by the conditions on the original mineral extraction permission. A further slope stability assessment report was drafted and is also submitted in support of the application. These reports conclude that there is evidence of progressive slope movements since the northern pit was first excavated in the 1990s. It is also argued that rapid dewatering as required to achieve the extant restoration scheme would likely induce similar shallow failures in the soils currently submerged below water level producing a

² Translational (planar) slip is down-slope movement where the mass moves parallel to the plane of the slope surface.

³ Rotational slip is down-slope movement of material where the slip surface is curved as the blocks rotate as they fail and can be seen to tilt backwards towards the slope.

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risk of destabilising further a significant land mass forming the northern slope of the pit and adjacent to the M25 embankment. A further Slope Monitoring Report dated December 2018 has also been submitted by the Applicant.

240. The Applicant submits that the slope gradients of the approved restoration scheme (up to around 1 in 3.5 (16°)) if formed in reworked gault clay or imported clay would be prone to surface erosion from surface water run-off of high velocity as well as acting as a trigger for further slope instability. Hence the application proposes importation of fill material to achieve shallower gradients (about 1 in 9.5 (6°)), and calculates this would require some 800,000m³ of inert material across the site. The extant restoration scheme would require both the northern and southern lakes to be drained before placement of infill material for restoration.
241. An additional Geotechnical and Geo-environmental Interpretative Report reviews the biannual slope condition reports that were submitted to comply with condition 17 of SE/83/1511 and states the biannual reports highlight historical issues of (1) slope instability during continued extraction of sand from the northern pit area, and (2) difficulties in placing reworked clay (generated from the excavated overburden above the sand working faces) for restoration. It is argued that these issues have been exacerbated by:
- poor earthworks practice (i.e. inadequate benching of slopes with pre-existing shear failures);
 - surface erosion caused by the lack of adequate site drainage covering slopes;
 - a general lack of fill material on site to restore slopes to an adequate shallow gradient for stability; and
 - inadequate drainage provisions to prevent accumulation of surface water, particularly in the northern lake.
242. The County Council has sought advice from its Geotechnical Consultants (Amey) on the issues put forward by the Applicant. Amey comment in general terms that they have only sporadic records of visual observations, no long-term measurements of movements (survey points for example) to define the progression and scale of the instability.
243. In respect of ground modelling. Amey reviewed all relevant supporting documents to the application regarding the use of historic mine records, geological, geotechnical and groundwater data and reported the following:
- The Application relied on historic ground investigation data of insufficient quantity, quality, and extent to allow for the characterisation of the groundwater, bedrock, and landfill materials on the site.
 - Limited historic quarry records were used as supporting information in the Application.
 - The indicative ground model presented in the Application was not considered suitable for slope modelling or geotechnical design.

Additional ground investigation work was conducted in August 2019. The data provided by this work provided greater confidence in the site-wide ground model. The Applicant's engineers recognised that the 2019 investigation was of insufficient scope to fully address the risks and allow an optimised remedial design. Photographic

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evidence supplied by the Applicant of the state of the pit in between 2003 and 2004 indicates progressive backfilling of the quarry with material derived from Gault Clay. This supports the supposition that pooled surface water cannot freely drain to underlying strata.

While the practices and assumptions in the initial Application documentation were not to the level expected given the objectives of the Application, the information supplied as follow up submissions is significantly improved. Further submissions identified the requirement for further investigation to facilitate detailed geotechnical design of the planned works. The additional information provided in May 2023 does not provide any further ground investigation information over and above that already considered above. Therefore, Amey's view of the Ground Modelling aspects of the Application (as set out above) have not changed.

244. In respect of Slope Stability, the Phase 1 Desk Study submitted as supporting information to The Application reported: observations of slope instability features in the pit slopes; a literature review; and slope stability back analysis of the northern pit slope along the M25 boundary of the site. The conclusions of the Applicant's assessment were reported as:

- The overlying clay material forming the quarry slopes (Gault Clay) are often unstable following periods of wet weather (shallow failures as observed on site).
- Dewatering the pits is likely to induce similar failures in soils currently submerged.
- There is potential for compounding shallow surface failures to migrate upslope and pose a medium to long-term impact on the M25.
- Addition of fill at the base of the slopes will provide a long-term benefit to slope stability.

245. Amey considered each of the four conclusions.

Gault Clay - Gault clay forms the material that overlies the quarried sand resource. Reworked Gault Clay was subsequently used to line the pit slopes and base at the cessation of mining activities (as evidenced in photographs from 2003 and 2004 provided by the Applicant in June 2021). Amey agrees with the assessment of the performance of the Gault Clay, and during a site visit in 2019 observed slope failures in the quarry slopes.

Dewatering - Amey agrees with the assessment that rapid dewatering of the northern lake will remove a restraining force on the slopes that may lead to increased instability.

Slope Failure Migration and Impact to the M25 – To develop a robust slope stability model the following information is required:

- Topographic data (used to develop the slope profile);
- Soil and rock data (used to develop the ground model and material characteristics); and
- Ground water data (used to develop the hydrogeological model).

Amey comment that, as with any model, the quality of the data used to build the model will be reflected in the confidence that can be placed in the data that the analysis generates. Slope stability using back analysis calculations submitted in the

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Application's supporting documents were highly simplified models based on limited historical ground and groundwater data. These are considered fundamentally flawed and therefore not reliable in defining the slope stability risk to the M25. Further slope stability analysis using current conditions on site (based on 2019 ground investigation work) were reported in the 2019 submission of additional information. While the model used in the analysis better matched the conditions reported on site, incorrect data was still being used in the production of the model. This resulted in reporting poorer slope stability than if correct parameters were used. No slope stability modelling submitted in support of the Application has provided sufficient justification of risk posed now or in the future to the M25 or other third-party assets with any degree of confidence.

Addition of Fill to Improve Stability - Improvement of slope stability without the use of structural support methods is achieved by modifying the angle of the slope so the angle of repose of the material is greater than the gradient of the slope. For example by:

- Cutting the crest (top) of the slope back to reduce the gradient;
- Adding material to the base of the slope to reduce the gradient; or
- A combination of cutting and placing material.

Without a reasonable understanding of the drivers behind slope instability it is not possible to define a practical and optimised mitigation measure. While it is accepted that the placement of fill at the toe will improve stability the Applicant has failed to define, to a reasonable degree of confidence, the scale the risk poses to third parties, and therefore the magnitude of mitigation measures required. Analysis has not been presented to consider how modification to the crest and upper slopes of the quarry may reduce risk to the M25 or other third-party asset.

Amey concluded that:

- a) While slope instability is an issue at the site, no documented existing failures or modelled future failures have been submitted that demonstrate a high level of risk to a third-party asset.
- b) No slope modelling has been provided that justifies the proposed mitigation measures. While modification of slope gradients using any amount of placed fill would improve the slope stability, without identifying the failure mechanism there is no geotechnical justification that 800,000m³ of material is the optimum volume to mitigate instability risk to third party assets.
- c) Due to the 1983 application's remediation works not being carried out the quarry voids have filled with water. Removal of the ponded water without placement of a restraining force to replace the weight of the water may result in reduced slope stability. Any slope stabilisation using material placement requires material to be placed in the ponded water. Existing materials on site are not appropriate for placement in water, however they may be used in stabilisation works in specific parts of the site where placement in water is not required.

246. Subsequently further supporting documentation was provided by the Applicant in March 2024 within the package was GB Card's Technical Note 06 (TN06), the objective of which was to outline GB Card's findings regarding slope stability considerations informing the remedial design under application.

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247. Amey have considered TN06 and comment that it quotes the 2020 Alternative Options for Restoration (ES Addendum) document. It identifies the six options for restoration and notes these options were developed with consideration for the following interdependent criteria, being the objectives for restoration:
- land stability;
 - site drainage; and
 - restoration land use and soil erosion.
248. Option 5 (800,000m³ imported fill volume) is considered the optimal solution by GB Card. Amey further comment that in putting forward the volumes of material needed to achieve each individual criteria for the chosen option no interdependency was considered in TN06. Section 3 of TN06 is concerned with land stability with Appendix B providing selected slope stability models. The models cannot be accurately located within the existing void and material parameters vary between models. The models demonstrate that slope instability does not pose a risk to third party land external to the site, all slope instability is defined as being internal to the site.
249. Appendix A of TN06 breaks down imported material volumes according to slope stability, drainage and restoration volumes. It concludes that geotechnical stability would require 206,500m³, drainage 304,250m³ and restoration 207,705m³; totalling 718,456m³. Amey comment that TN06 is unclear about phasing of imported material placement, indicating two possible scenarios:
- i) Slope stability can be achieved with the importation of 200,000 cubic metres material alone; or
 - ii) Slope stability can be achieved with 200,000cubic metres in addition to drainage and/or restoration importations.

Based on slope stability modelling provided in Appendix B, Amey assumes scenario i) to be GB Card's findings. Material importation for slope stabilisation therefore constitutes the smallest volume of imported material of the three criteria, making up less than one third of the total material importation volume. TN06 demonstrates that approximately 200,000m³ of material will result in stable slopes. Slope instability is not considered by Amey to be the driving criteria behind material importation; therefore, it is Amey's assumption that the optimisation of imported fill is determined by drainage and landscaping considerations.

250. In conclusion Amey have concerns that the ground modelling that has been done, whilst improved from initial submissions is still lacking robustness. The additional submissions themselves identified the requirement for further investigation to facilitate detailed geotechnical design of the planned works. The additional information provided in May 2023 and March 2024 does not provide any further ground investigation information over and above that already considered. Whilst Amey agree that dewatering the northern lake could lead to further instability, they had queried whether the 800,000m³ was necessary to stabilise the quarry. The last document submitted by the Applicant (TN06) confirms that approximately 200,000m³ would be sufficient to remediate the instability alone. The slope stability models are not specifically located on the site and consideration of materials used differ between models. However, they demonstrate that slope instability does not pose a risk to third party land external to the site, all slope instability is defined as being internal to the

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site. Given the above, Amey conclude that slope stability is not the driving criteria behind the volume of fill material required and must therefore be determined by drainage and landscape considerations. Amey have seen no evidence that the 206,500m³ is the correct value. This figure is what the Applicant defines as what is necessary to deal with slope stability if no interdependencies are considered.

Drainage and Flood Risk

251. Paragraph 166 of the NPPF requires that strategic policies should be informed by a strategic flood risk assessment, and they should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local area susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.
252. Paragraph 167 states that all plans apply a sequential, risk-based approach to the location of development – taking account of the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk by applying the sequential test and then, if necessary, the exception test as set out below; safeguarding land from development that is required, or likely to be required, for current or future flood management; using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long term, seeking opportunities to relocate development, including housing, to more sustainable locations.
253. The site is identified as Flood Zone 1 (low probability of flooding) and the application proposes the restoration of the former mineral working to address what the Applicant sees as an existing flood risk. It is argued that the restored site would not be at risk of flooding other than to the extent it is designed to attenuate surface water runoff, and flood risk to downstream receptors (i.e. River Darent). The Environment Agency (EA) is satisfied with the Flood Risk Assessment that is submitted and comments that as the outline drainage strategy would require new works a flood risk activity permit (FRAP) would be required. Furthermore, discharge of water through the southern lake would need to be regulated by the EA and excavating and re-depositing of historic landfill (as required to create the drainage scheme) would also need their approval.
254. Policy DM10 of the KMWLP indicates planning permission will be granted for mineral or waste development where it does not, affect the physical state, water quality or ecological status, have an unacceptable impact on groundwater Source Protection Zones, or exacerbate flood risk in areas prone to flooding and elsewhere, both now and in the future. Policy DM10 of the emerging KMWLP 2024-39 supports minerals or waste development where it does not; result in deterioration of physical state, water quality or ecological status of any water resource and waterbody, including aquifers, rivers, streams, lakes and ponds; or have an unacceptable impact on groundwater Source Protection Zones or threaten the development of future groundwater abstraction and associated source protection zones overlying principal or secondary aquifers; and exacerbate flood risk in areas prone to flooding and elsewhere now and in the future. Measures to reduce flood risk where possible are encouraged. The policy requires no deterioration and improved ecological status not just for the site but those

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hydrologically or hydrogeologically connected to the site. Sevenoaks District Council Core Strategy 2011 promotes the use of sustainable drainage systems (SUDS) that reduce the water run-off from development offering the potential to reduce the severity of future flooding.

255. The northern part of the site drains principally into the northern lake, in which the Applicant states the water level is rising. The southern part of the site drains into the southern void, from which water discharges by infiltration into the Folkestone Sands. The application states groundwater flow is likely to be to the north, following the dip of the strata, and infiltration from the site is not anticipated to influence the River Darent which is about 300m to the south. The EA classifies the Folkestone Formation as a Principal Aquifer which forms the youngest formation of the Lower Greensand Aquifer. The southern portion of the site lies within a Source Protection Zone 3 associated with potable abstraction boreholes at Westwood Pumping Station, located approximately 530m west of the site. The application states that groundwater level within the Folkestone Formation is estimated to be around 90m OD to 95mOD based on record and boreholes on site. The EA have commented that whilst the proposed amount of material to be used for restoration is not unacceptable from a groundwater point of view it does not imply that the deposit of 800,000m³ of waste material would be regarded as a recovery activity. (See further comments on fill materials later in this report).
256. A further revised drainage strategy was submitted in April 2023. The proposed permanent drainage scheme post-restoration comprises a self-contained shallow 'valley', incorporating surface water drainage to an infiltration basin in the south-east corner of the site, an extension to the existing Southern Lake. The drainage scheme comprises a series of in-line flood storage areas (FSAs) connected by flow channels that would impound flood waters during a storm event. Flood waters would then be released after the storm in a controlled manner and discharged down gradient through the FSAs via a connecting flow channel to the Southern Lake. An additional infiltration basin would be constructed alongside the eastern and southern margin of the lake to increase the area of ground infiltration. The FSAs would attenuate flood peak flow events due to surface water run-off from the restored landform and impound flood waters behind a series of berms. In the case of an extreme storm event or series of events the crest height of the berms would be so designed that flood waters could be impounded in the full valley feature before being discharged to the Southern Lake and infiltration basin.
257. The FSAs would delay the timing of the flood at the southern lake and infiltration basin so that the flood volume is discharged over a longer period. Impounded flood water in the FSAs would be released by controlled discharge via weirs, pipes or grassed spillway post a storm event into the connected flow channels and into the Southern Lake and Infiltration Basin. The FSAs and flow channels would operate as wet/dry areas but retain a base volume of water during normal seasonal periods to form wetland areas.
258. The proposed design volume capacity of the FSAs is some 65,000m³ over an area of about 50,000m² to 70,000m². The layout and number of FSAs could change depending on ecological and biodiversity requirements but the total flood water requirement of 65,000m³ storage capacity would not change according to the Applicant. The application documents state that infiltration of surface water run-off is

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already occurring from the immediate surrounding area into the Southern Lake as evident by a reduction in water level of approximately 1.5m in the first half 2022.

259. The County Council's drainage consultants (Amey - Drainage) have provided their advice on the proposed scheme. They note that TN06 (submitted March 2024) also comments on drainage in relation to the volumes of fill material required to address the flooding risk. Section 4 of TN06 is concerned with surface water drainage, and comments on why GB Card considers a satisfactory drainage infiltration scheme cannot be designed on current topography and hydraulic gradient between the Northern and Southern Lakes.
260. Amey note one of the issues is the requirement to maintain a 1 in 200 general hydraulic gradient for a proposed channel between the northern and southern lakes. Amey further comment the northern lake water level is currently at around 118m AOD, with an estimated overtopping point to the Croydon Road at 122m AOD. The southern lake is currently at around 112m AOD with a proposed overtopping point of 125 m AOD. The distance between the lakes is 350m and so a 1 to 2 metre difference between the resting water levels and design of a flow path is likely to be a sensible arrangement. The original Microdrainage model (Technical Annex 6 of the Application, September 2018) for this system had spill levels from the north of the site starting at 119m to 120m AOD (several scenarios) dropping to 118m AOD to the southern lake. The latest proposed plan topographic details provided by GB Card (dated 07/03/23) identify the northern area at 119m AOD and the southern lake area raised to 117m AOD. The proposal to date has looked at infilling the northern lake to reform the land surface level to around 119 m AOD, however we query why this infilling is required, as the northern lake water level is now close to this level and with an appropriate channel constructed between the Northern Lake and the proposed raising of the southern lake, this would provide the required hydraulic gradient. The earthworks figure provided from TN06, Area 1, 2 and 3 accounts for 488,800m³ of infilling of the northern lake due to drainage grounds, and the necessity of this is queried.
261. The other issues raised by GB Card are related to existing steep valley sides and slopes and hence a reduced agricultural land use. Amey has no issues with the proposed drainage rearrangement in Areas 5 to 7 provided in the proposed topographic plan dated 07/03/23 for these areas. The combined cut required for drainage in these areas is around 120,000m³ with another 82,000m³ of infill material for restoration purposes. Hence these areas only have an overall required cut of 38,000m³.
262. Appendix A of TN06 breaks down imported material volumes according to slope stability, drainage, and restoration volumes. TN06 is unclear about phasing of imported material placement, but we assume that slope stability can be achieved with the importation of 206,650m³ material alone, and the majority of this is associated with the northern lake stability. In addition, a further 125,876m³ infill material is associated with restoration, again the majority associated with the northern lake area. The total of infill material is around 800,000m³ associated with the northern lake areas.
263. GB Card's October 2020 Alternative Options Technical Note identified 800,000m³ of infill material as being required to resolve long-term slope stability issues at the site. TN06 demonstrates that 206,500 m³ of material would result in stable slopes in and around the northern lake, 489,000 m³ is required to infill on drainage grounds and

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around 126,000 m³ for restoration. Infill of the northern lake on surface water drainage grounds is not considered by Amey to be a driving criterion behind material importation, as the water levels and surface water drainage to the southern lake could work if Areas 5 to 7 are developed further as discussed and outlined in GB Cards proposals, although detailed drainage details have still to be provided. It is Amey's assumption that the optimisation of imported fill is still not determined.

264. Amey do not see a requirement being presented in the provided reports, from a drainage point of view for the additional 800,000m³ of fill material into the northern lake. There is a requirement to provide a suitable connection between the northern lake along a suitable low gradient channel to the southern lake, which will likely require earth movements within the proposed development site leading to around a net cut of 38,000m³ as presented in TN06. The 489,000m³ to fill the northern lake area is not considered necessary to achieve a sustainable drainage scheme and with a net cut of 38,000m³ in the southern area, the same outcome could likely be provided without importing substantial fill amounts, but this has not been presented by the Applicant.
265. KCC's Flood and Water Management (KFWM) team would require submission of a more detailed drainage scheme, a verification report and evidence that there would be no resultant unacceptable risk to controlled water and/or ground stability conditions and suggest this could be secured by condition.
266. The provision of a sustainable drainage scheme for the site is accepted as necessary to the long-term restoration and which addresses any potential for future flood risk. Indeed, the approved restoration scheme proposed drainage from the north of the site to the south. However, KCC's drainage consultants question whether the quantity of fill material proposed is necessary to achieve such a scheme. The Applicant recognises that a fully detailed scheme would still need to be worked up and the level of detail required by KFWM is substantial. It is difficult therefore to conclude with any certainty that that this particular scheme requires the significant volume of fill attributed it in the application documents.
267. Infill of the northern lake on surface water drainage grounds is not considered by Amey to be a driving criterion behind material importation, as the water levels and surface water drainage to the southern lake could work if Areas 5 to 7 are developed further.
268. *Conclusions on slope stability and drainage* -The case for the quantities of material to address slope stability and the proposed drainage scheme is not made. Any quantity of infill material over and above what is necessary for those purposes, involves the importation of waste, goes beyond what is necessary to secure the satisfactory restoration of the site and would be considered inappropriate development in the Green Belt. It is not considered that the proposed restoration scheme as designed offer sufficient very special circumstances to override the harm caused to the Green Belt by way of inappropriate development by the importation of excessive fill.

Harm to the Green Belt

269. As set out above, Planning Policy requires substantial weight to be given to any harm to the Green Belt. To reiterate, Paragraph 153 of the NPPF states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly

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outweighed by other considerations. The raising of levels across the site that would result from the additional fill material would be unnecessary if the stated key need for the proposed development namely addressing stability issues and drainage are not supported. Furthermore, it is necessary to consider whether these matters and those considerations set out in the applicant's Green Belt Assessment represent 'Very Special Circumstances' sufficient to override the presumption against inappropriate development in the Green Belt. Critical to that consideration is whether the stability arguments and associated risks are valid, and similarly the need for the proposed drainage scheme and the potential for flooding risk.

270. Planning Practice Guidance on Green Belts was updated in December 2023. It states that assessing the impact of a proposal on openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case. It refers to the courts having identified a number of matters to be taken into account in making this judgment, including but not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its ability to be remediated – taking into account any provisions to return the land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

271. The majority of the inert material and thus HGV traffic is anticipated to come from projects in south east London, and whilst traffic through Westerham would be avoided by use of the proposed haul road, it would pass through other communities. The project is expected to take 5-6 years to complete. There would be a period of disturbance from the proposed engineering and restoration activities, as well as from the traffic bringing material to the site; and indeed, the construction of the haul road itself is necessitated by proposals to avoid the traffic passing through Westerham for the period of restoration. Whilst the Applicant is confident that the project would be completed within this timeframe, it is reliant upon securing sufficient quantities of fill material of an appropriate quality across the period to meet the requirements of the engineering project and subsequent final restoration. It is not clear whether such material would be considered for recycling or re-use at its source. It is also dependent on suitable weather conditions to allow placement and compaction of imported materials.

272. The quantities of fill material are not considered justified from a stability or drainage perspective and would result in a lengthier construction project than necessary. The disturbance from HGV traffic, for the longer period, along with the presence of the access road and associated bunding, and engineering works would adversely impact the amenity of the local community and environment by prolonged noise, dust, vibration and general disturbance, cumulatively causing harm to the Green Belt.

273. Policy DM 4 (Green Belt) of the KMWLP supports national policy and the NPPF and requires mineral and waste proposals be considered in light of their potential impacts. It recognises that processing plant often associated with mineral extraction is unlikely to preserve openness owing to its size, height and industrial appearance and would therefore be inappropriate development, it often being in place for the life of the mineral activity. In such cases developers would need to demonstrate very special

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circumstances if projects are to proceed. No processing plant is proposed in the application as material would be sorted and assessed for its suitability at the source site. However, there would be a small reception compound with a material inspection cabin (raised), weighbridge if required, welfare cabin and wheel wash facilities, as well as a fuel store and vehicle parking. It is proposed that the compound and sections of the haul road would be screened by 3m high bunds. Furthermore, the scheme provides a vehicle crossing point on Croydon Road into the site. The longevity and permanence of these elements is directly linked to the quantities of material being imported and thus cause unnecessary harm to the Green Belt.

Alternatives

274. Regulation 18(3)(d) states the ES must include: a description of the reasonable alternatives studied by the developer, which are relevant to the proposed developments technical and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment. Further, Regulation 18(3)(f) refers to Schedule 4 (Information for inclusion in Environmental Statement) which goes onto state: - "2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen options, including a comparison of the environmental effects,"
275. A brief exploration of alternatives was set out in the original application documents. An addendum to ES was submitted in January 2021 and considers six different options from do-nothing, an engineered option and then three differing levels of fill as an alternative to the proposed 800,000m³ of fill.
276. The engineering options considered are set out below:
- i. A mass gravity wall comprises a reinforced mass concrete structural element which due to its mass and stiffness can resist the overturning forces exerted by the soil mass retained by the wall. It is argued that the Reworked Gault Clay has low long-term strength and would require excessively large structure to resist overturning forces. Notwithstanding the cost of such a large structure, the Applicant argues there would be significant constraints of access for construction plant over soft and steepened ground. Significant temporary works would be required, such as haul roads and temporary slope stabilising measures to afford access.
 - ii. A cantilevered wall may comprise sheet piles, secant or contiguous piles or king post wall with cross member elements. As described above due to the generally long-term low strength nature of the Reworked Gault Clay such structures would need to be long in length to mobilise sufficient forces in the soil to resist overturning forces from the retained slopes. The height and/or length of the piles can be shortened with the use of anchors but installing anchors and tie bars or tie beams is impracticable and un-safe in the soil conditions.
 - iii. Soil reinforcement techniques can be used to stabilise unstable slopes. These techniques include reinforcing columns (concrete or lime columns) and soil nailing (grouted or otherwise). The principal comprises the introduction of a grid of

Stabilisation and restoration of Covers Farm Quarry using imported engineering materials at Covers Quarry, Westerham, Kent - SE/18/3435 (KCC/SE/0495/2018)

columns or rods of sufficient length to penetrate any existing slope failure surface. The grid of columns or rods reinforce and strengthen the soil mass such that it is stable at a steepened gradient. This would require numerous very long columns. And access onto the slopes for construction plant and materials would be dangerous. Significant temporary works would be required, such as haul roads and temporary slope stabilising measures to afford access.

277. All alternative engineering options were dismissed by the Applicant.
278. The document considers of all scenarios the current proposed restoration Option 6 (1 million m³ importation) is the ideal solution that satisfies all criteria for surface water drainage, slope stability and surface soil erosion. Option 5 - 800,000m³ import fill volume also satisfies all three criteria but with slightly less margin to accommodate changes in surface run-off and slope gradients that might lead to longer term instability. Option 6, however, requires an additional 200,000 m³ of imported fill compared to Option 5. The additional lorry movements and increase in restoration period is considered undesirable. For this reason, the document considers Option 5 – 800,000 m³ fill importation is the optimal solution.
279. Amey was asked to consider the alternative options assessment and commented that the variations in maximum run off volumes between all fill options were so small as to have no significance when defining a preferable option. The material parameters used in slope modelling of all the infilling options appeared to be those of Gault Clay. It does not appear that the improved material characteristics of imported engineering fill have been considered. The results are therefore considered conservative, and do not provide suitably robust models to allow comparison of improved slope stability based on levels of imported fill defined for the options put forward. Amey concludes that the alternative options documents conclusion that Option 5 (800,000m³ material import) is the considered optimum solution is unproven. (Amey have commented that the additional information provided in TN06 does not accurately locate the models within the existing void and material parameters vary between the models).
280. Despite the submission of a number of technical engineering documents over the years, the Council's geotechnical advisors are not confident that the modelling that has been carried out provides robust evidence of the level of slope instability sufficient to affect third-party assets, or that the stabilising properties of the proposed fill materials have been adequately assessed. They remain of the view that the case for quantity of fill material proposed being the optimum solution is not proven. From a drainage perspective the quantity of material is considered unnecessary to provide the long-term solution and that a lesser volume, lower scale scheme would be feasible. Given the uncertainty over the modelling data there is no confidence in the other options and the reasons for dismissing them.

Other Issues

281. Fill material - Paragraph 189 of the NPPF (Ground conditions and pollution) states that planning decisions should ensure that "a site is suitable for its proposed use taking account of the ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from the remediation)."

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Paragraph 190 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.

282. Policy CSW1 of the Kent Minerals and Waste Local Plan (KMWLP) and the emerging KMWLP supports the NPPF presumption in favour of sustainable development and CSW2 requires proposals for waste management must demonstrate how the proposal helps drive waste to ascend the Waste Hierarchy whenever possible. Policy CSW11 of the emerging plan supports the disposal of inert waste where; the inert waste is being deposited for a beneficial use such as the restoration of landfill sites and mineral workings and not as part of a disposal operation, the waste is to be used in an engineering operation, other than the restoration of landfill sites and mineral workings, where it is demonstrated that there is no local Kent demand for its use in such restoration operations, and the development involves the minimum quantity of waste necessary to achieve the benefit sought.. Paragraph 6.11.3 of the supporting text states, "Another important issue is that without the import of inert waste the ability to restore existing permitted mineral workings would take a lot longer. Policy CSW11 seeks to ensure that a high priority is given to using inert waste that cannot be recycled in the restoration of existing permitted mineral workings, in preference to uses where inert waste is deposited on land (e.g., bund formation or raising land to improve drainage etc).".
283. No evidence has been put forward by the Applicant as to whether the fill material could be recycled for other uses at source or elsewhere, thus moving it up the waste hierarchy.
284. On a further point whether the restoration materials are considered a waste, or 'other recovery' would be determined by the Environment Agency (EA) for the purposes of the permit. They state that any application for deposit of waste would need a detailed submission from the Applicant and full Environment Agency review as part of an environmental permit application. They would form a view at that stage whether the activity is a recovery or disposal activity. Their assessment, undertaken by the national permitting service, would re-examine the alternative options to restore the site. If a project using waste is to be regarded as a recovery activity, along with the other elements of the recovery test, it must be demonstrated that the minimum amount of waste to achieve what is essential has been used. They state it is possible that a project could be regarded as having elements of both recovery and disposal (landfill), details of the risk assessments and method statements would form part of the permit application process.
285. Gas pipeline - A high-pressure gas pipeline crosses the application site in a north-south direction within the vicinity of the proposed crossing at Croydon Road and would be crossed by the temporary haul road. Southern Gas Networks (SGN) have been consulted on the proposals, but no response has been received. However, they have communicated with the Applicant directly. They comment, "*This high-pressure pipeline supplies gas to our Westerham pressure reducing station that supplies Westerham town and will require protection at the crossing point to ensure that the loading and vibration from the crossing lorries will not have any adverse effects. This is normally achieved by the design and installation of a steel reinforced concrete protection slab that will bridge and minimise loadings and any stresses on the pipeline.*"

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286. Detailed design would need to be agreed with SGN prior to the haul road being used and therefore would need to be subject to an appropriate pre-commencement condition.
287. Bypass - Concern has also been expressed that the proposed haul route is a precursor to developing a bypass which would allow for future development of housing sites around Westerham, some of which were promoted by Which Way Westerham (involving the application site landowner). The allocation of housing sites is a matter for the District Council through their local plan. The proposed Local Plan 2040 has been through initial Regulation 18 consultation and a published Regulation 19 version for further consultation is expected this summer. I am not aware that 'Which Way Westerham' is being pursued at this moment in time.
288. The proposed haul route itself would not be of sufficient standard to accommodate anything other than temporary traffic associated with this proposed restoration development. It is stated in the application that the temporary road would be removed, and land appropriately reinstated upon completion of the restoration of the site. Should Members be minded to support the application this could be secured by an appropriate planning condition.
289. Health and Safety - The Applicant is increasingly concerned about the health and safety risks of the public trespassing onto the site and using the northern lake for leisure purposes. There is a safety benefit from removing the northern lake and it is a matter which has been given some weight in terms of the Very Special Circumstances arguments. However, the responsibility for public safety lies with the landowner as does securing and maintaining site fencing. These are principally private or civil matters.
290. Members will note the representations made regarding KCC's responsibility in relation to the Minerals and Quarries Act 1954. Legal advice on this point was sought, in particular as to whether KCC as the Mineral Planning Authority has any duty under the Minerals and Quarries Act 1954 or any other relevant legislation to enforce security responsibilities against the quarry owner/operator. The legal advice provided has confirmed that is not the case, other public bodies such as the Health and Safety Executive and the District Council, in this case Sevenoaks District Council, do have such enforcement powers, so any complaints in this regard should be referred to those bodies. Furthermore, lack of security at a quarry is not a material consideration for KCC to take into account in determining mineral planning applications so the security issues raised in this case are not factors to prevent KCC from considering the current application.

Conclusion

291. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs (39 – 71) 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 including those arising from consultation and publicity.

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292. A consented restoration scheme exists but the Applicant argues this is no longer fit for purpose as it would not address the stability issues within the Gault Clay and that the dewatering required to achieve the approved scheme would exacerbate the instability at the site. It is the Applicant's case that the need to avoid dewatering the northern lake necessitates the import of fill (and the movement of mineral waste from within the quarry) to achieve a cellular engineered construction below the water level and subsequently to provide for the long-term sustainable drainage as well as providing long term integrity to the M25 and other third party property.
293. There is significant objection to the scheme from the District Council, Town Council, six adjacent Parish Council's, London Borough of Bromley and the CPRE as well a substantial number of local residents and local MPs and District Councillors. Objections are set out in the Consultations and Representations sections above, but mainly relate to the stated risk to the integrity of the M25, the necessity to import large quantities of fill material to restore the site, amenity considerations and impacts from increased HGV traffic over a long period of time.
294. Consideration of the proposals and the issues raised are complex and finely balanced. Over the course of processing the application substantial technical information has been submitted and advice has been sought.
295. The purpose of the Green Belt is principally to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The application proposes substantial importation resulting in a raising of land levels across the site.
296. Our geotechnical advice questions the veracity of the assessments of ground conditions and risks associated with slope failure (particularly to the M25), and the appropriateness of the drainage scheme is also questioned. The conclusion in the consideration of alternative options is found to be unproven. Material is anticipated to come from major construction projects in London and the South East, but exact information has not been provided on the source and quality of fill material. It is accepted within application documents themselves that further work across most of these areas would still be required before any development could take place. Such information may not be acceptable and could result in the need to further change the proposals.
297. Any quantity of imported material over and above what is the minimum required would be considered a waste disposal activity and inappropriate development in the Green Belt. Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is advised that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Restoration is desired but it should be carried out such that any unnecessary land raising is avoided. The desire to see the site restored should not disregard Green Belt policy.
298. Whilst from a technical perspective the amenity impacts by themselves are not considered to result in harm, the prolonged period of activity introduces unnecessary

Stabilisation and restoration of Covers Farm Quarry using imported engineering materials at Covers Quarry, Westerham, Kent - SE/18/3435 (KCC/SE/0495/2018)

development. As set out earlier in my report, Planning Practice Guidance refers to the courts having identified a number of matters to be taken into account in making a judgement of the impacts upon the Green Belt and cites the degree of activity likely to be generated, such as traffic generation being one matter to be considered. The project involving up to 200 HGV movements per day, is estimated to take place over a period of 5-6 years. The length of the construction period is a consequence of the excessive imported fill material. The introduction of traffic for any period longer than is necessary introduces a degree of activity that results in avoidable impacts from noise, dust, vibration and general disturbance to the residents and environment of the surrounding communities where the HGVs pass through. The presence of the haul road and bunds results from the need to mitigate the traffic impacts of the proposals upon the village of Westerham. A lesser scheme would not necessitate such a long construction period or the volume of traffic movements. As such the proposal is considered to cause harm to the Green Belt contrary to the NPPF and Policy DM4 of the Kent Minerals and Waste Local Plan.

299. Given the conclusion that the proposals do not represent the minimum quantity of waste material necessary to restore the site the proposal is also contrary to Policy CSW11 of the Emerging Kent Minerals and Waste Local Plan and does not represent sustainable development required by Policy CSW1 of the Kent Minerals and Waste Local Plan.
300. It is accepted that there are no objections in relation to noise, air quality, heritage and transport from a highway safety and capacity perspective. Kent Wildlife Trust have concerns regarding Westerham Woods SSSI but Natural England and KCC Ecological Advisory Service are satisfied, subject to the proposed mitigation being implemented. Otherwise, there are no objections from an ecology point of view.
301. Amenity impacts by themselves are not considered to cause harm to the Green Belt. However, and on balance, whilst there is a need to restore the site, the application has been unable to satisfactorily demonstrate that the volume of infill material proposed is the minimum required to complete a sustainable restoration. In this instance it is considered that the harm caused to the openness of the Green Belt by virtue of the inappropriate development is not outweighed by the need for the development. The Very Special Circumstances advanced in the application do not outweigh the harm from the restoration scheme proposed.
302. It is recognised that irrespective of the outcome of this decision there remains a need for the planning authority to secure a suitable restoration scheme, which may still involve some importation albeit smaller quantities. Furthermore, as set out earlier KCC/SE/0233/2019 (to enable and extension of time to restore the quarry) is being held in abeyance pending the outcome of the current application on the basis that if permission is not granted for the infilling it will be necessary to secure the restoration of the quarry in accordance with a revised solution.
303. I have had regard to all the policies and guidance referred to in this report and on balance conclude that the development is not sustainable and therefore recommend that planning permission be refused.

Stabilisation and restoration of Covers Farm Quarry using imported engineering materials at Covers Quarry, Westerham, Kent - SE/18/3435 (KCC/SE/0495/2018)

Recommendation

304. I RECOMMEND that PERMISSION BE REFUSED on the following grounds:

1. The proposed development would be inappropriate development in the Green Belt which by definition would be harmful to the openness and character of the Green Belt, contrary to the National Planning Policy Framework and Policy DM4 of the Kent Minerals and Waste Local Plan and the Emerging Kent Minerals and Waste Local Plan 2024-39.
2. The proposed development would be contrary to Emerging Kent Minerals and Waste Local Plan 2024-39 Policy CSW11 as it does not represent the minimum quantity of waste necessary to achieve the benefit sought and therefore does not represent sustainable development contrary to Policy CSW1 of Kent Minerals and Waste Local Plan.

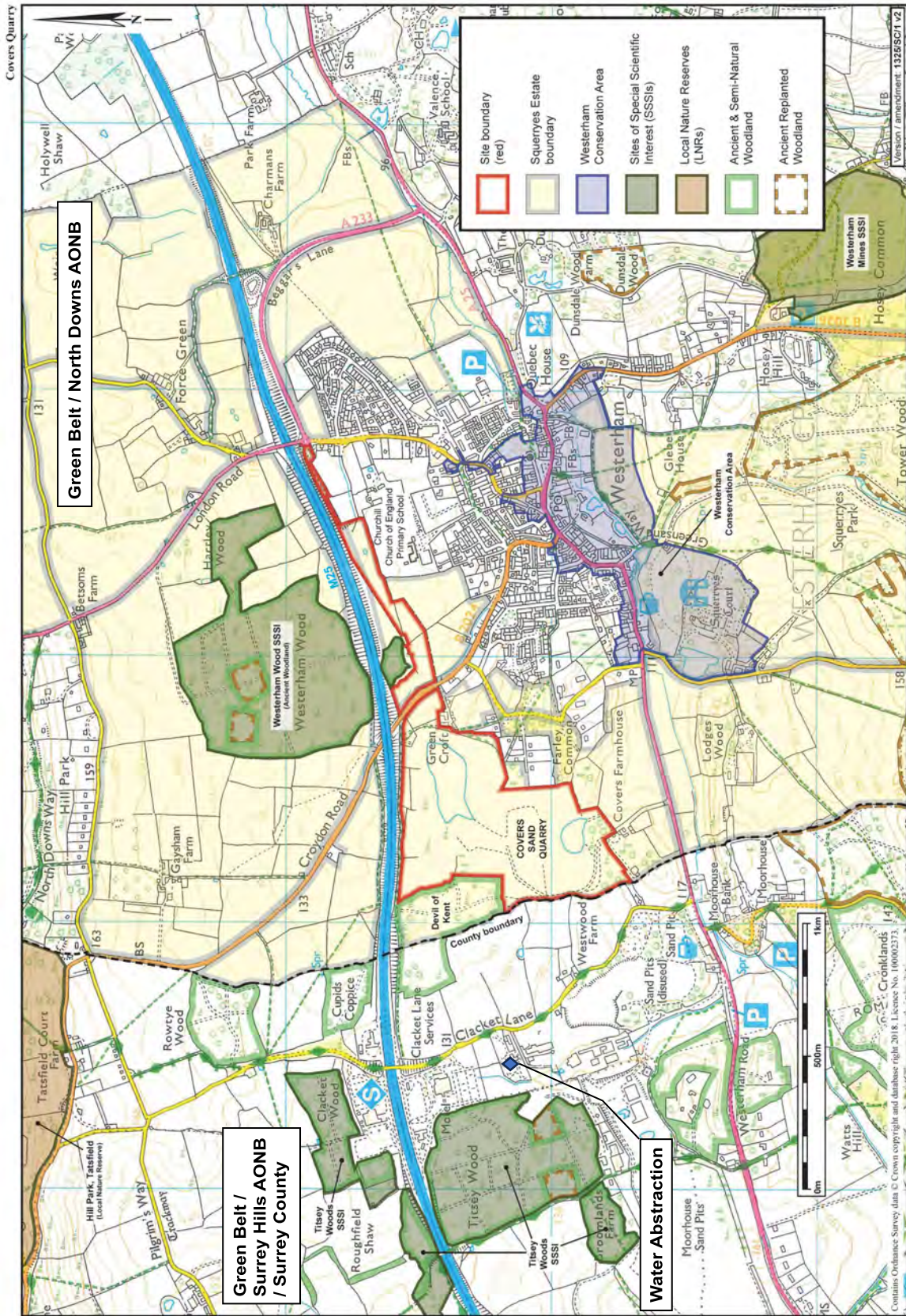
Case Officer: Andrea Hopkins

Tel. no: 03000 413394

Background Documents: see section heading

APPENDIX 1

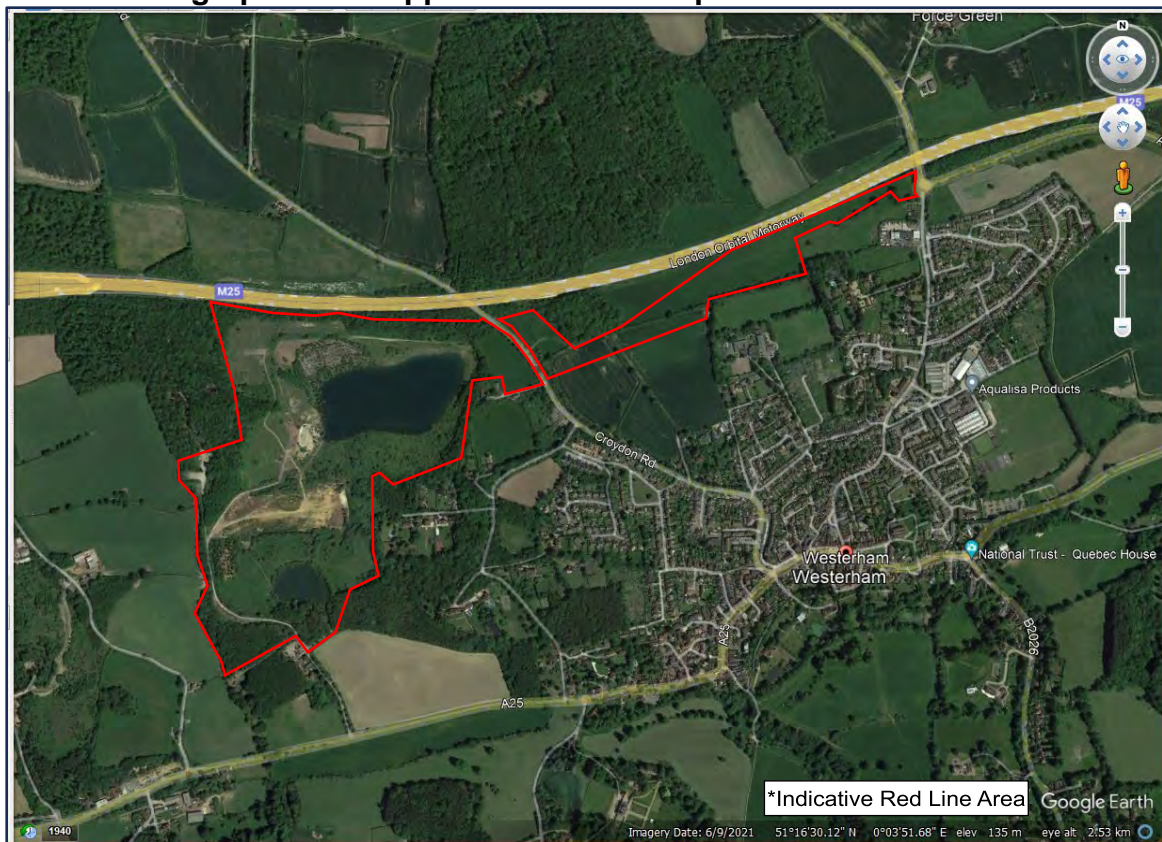
Site Constraints Plan



Scale - 1:12,500 (at A3) Date - 12-09-2018 Plan No. 1325/SC/1
 Site Context D.K. Symes Associates

Appendix 1 – Item C1
Stabilisation and restoration of Covers Farm Quarry at Covers
Quarry, Westerham – SE/18/3435 (KCC/SE/0495/2018)

Aerial Photograph of the Application Site – September 2021

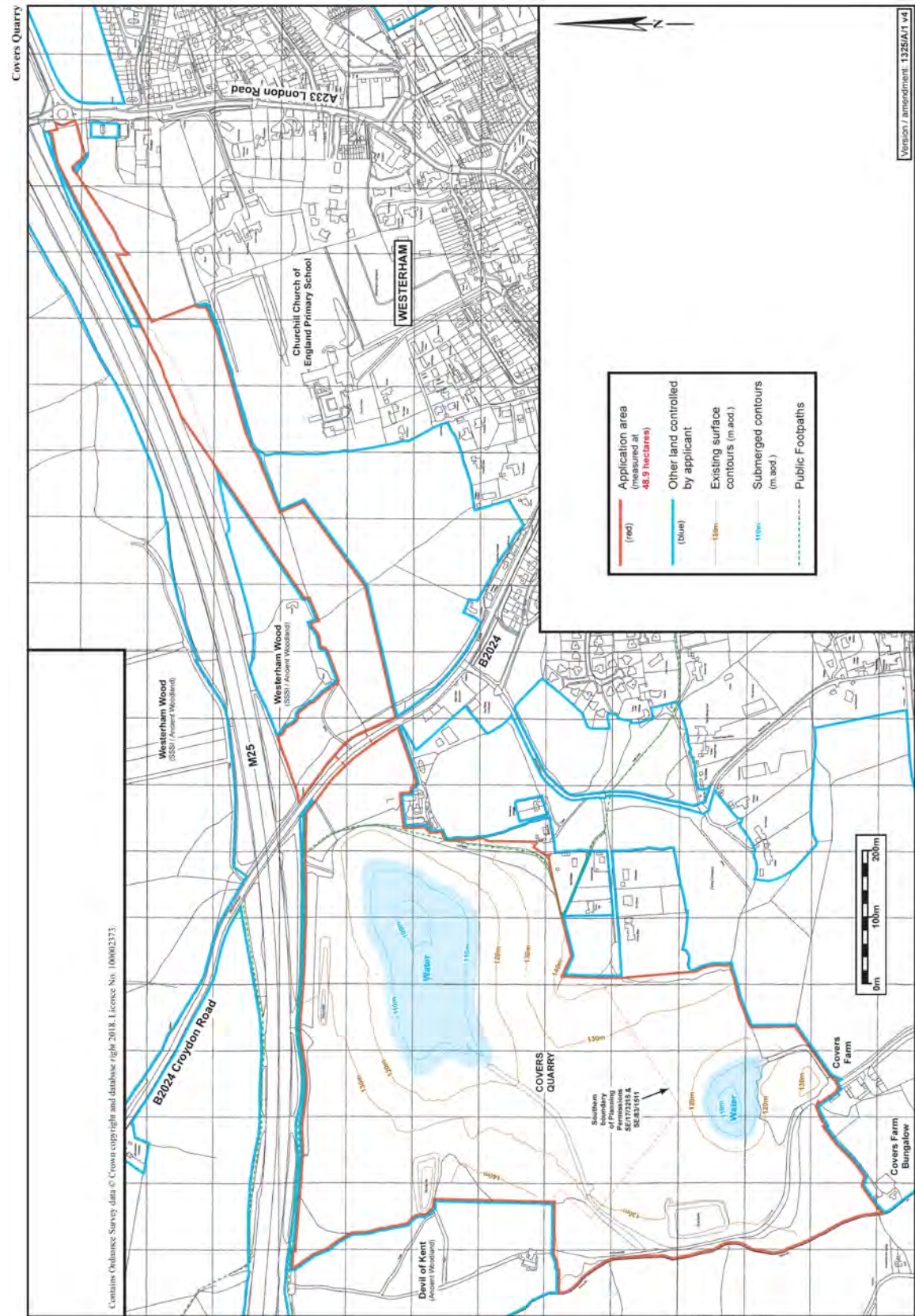


Historic Aerial Photograph – October 2006 (Showing changes to Northern Lake)



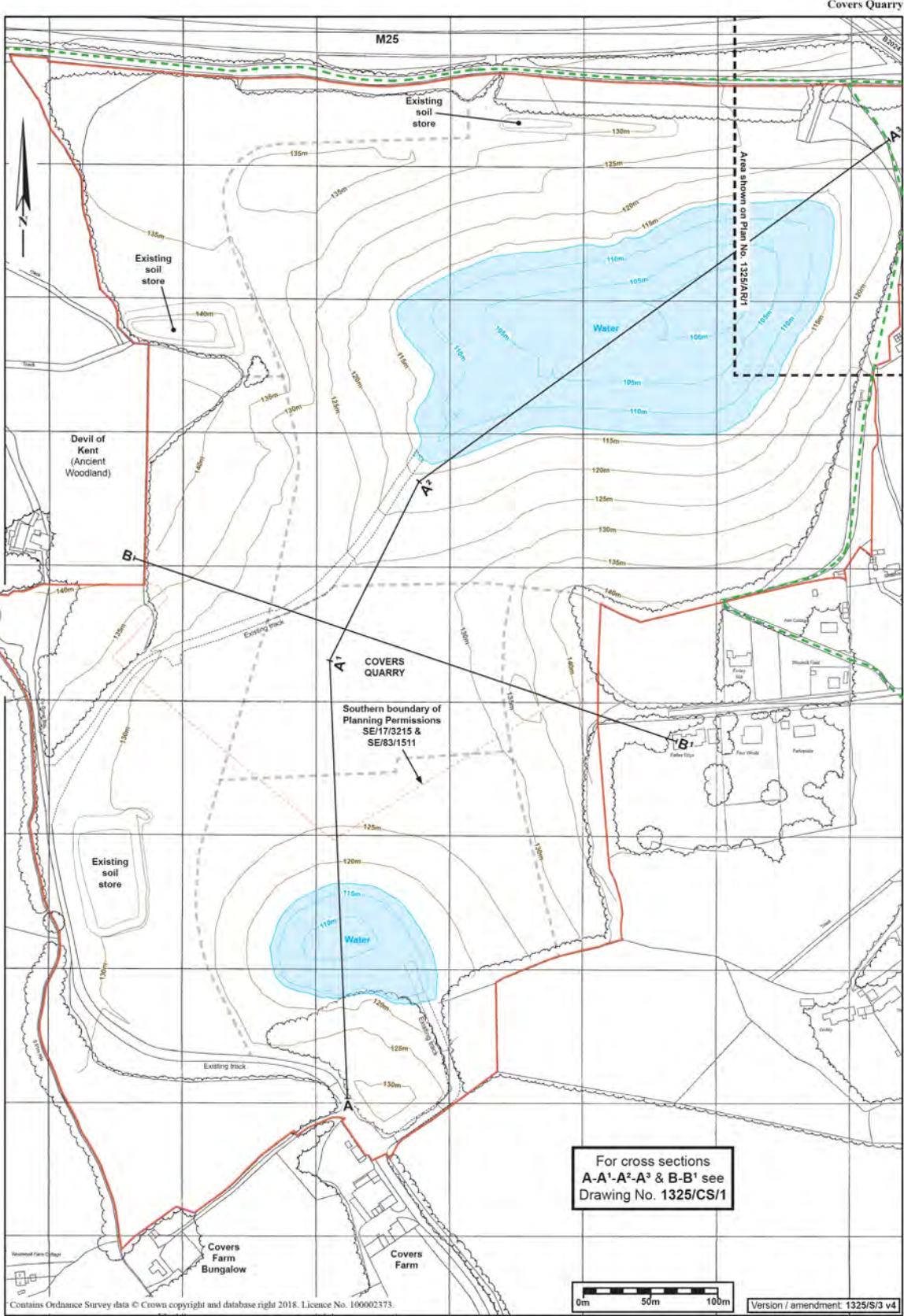
Appendix 1 – Item C1
 Stabilisation and restoration of Covers Farm Quarry at Covers
 Quarry, Westerham – SE/18/3435 (KCC/SE/0495/2018)

Application Plan



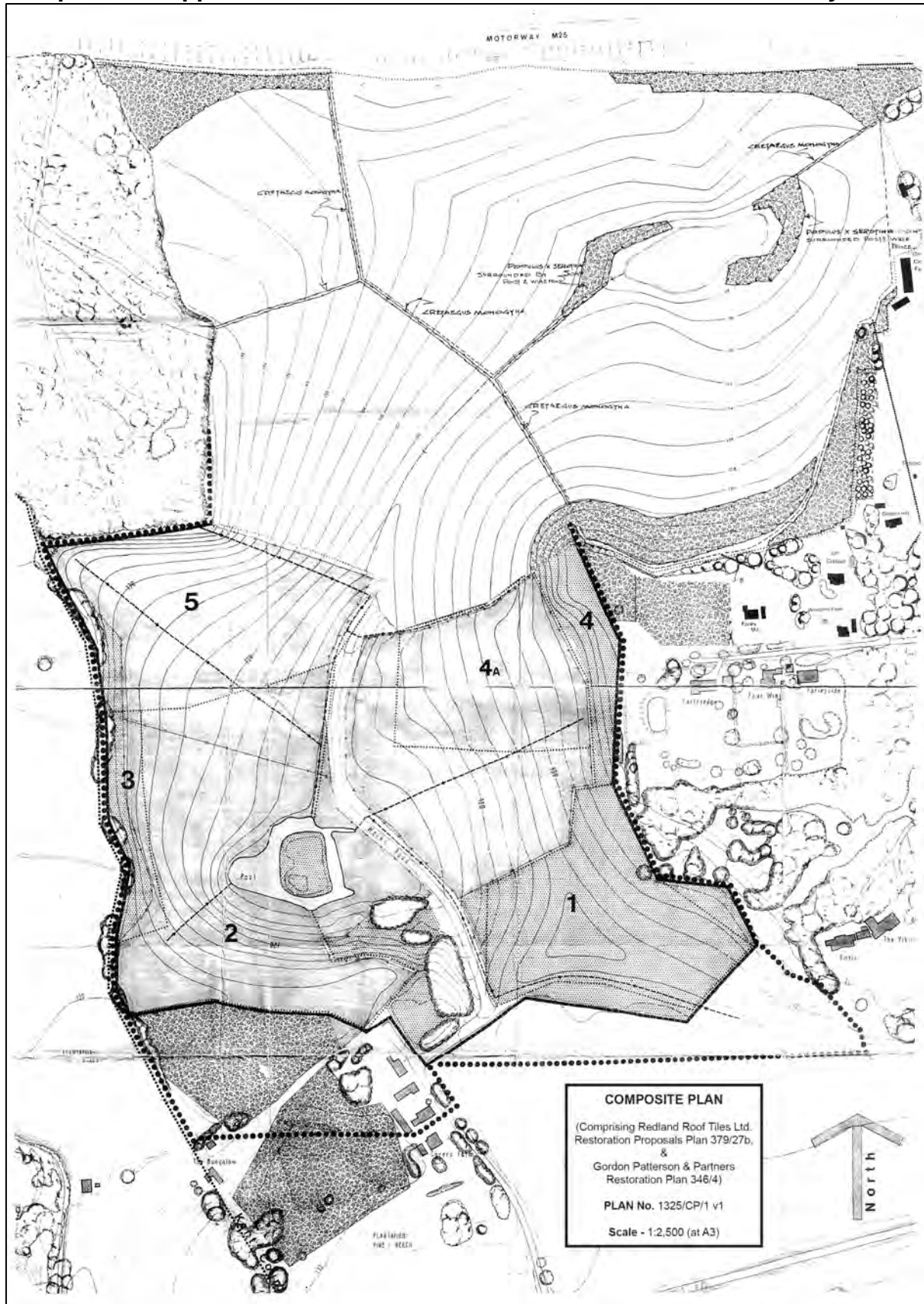
Stabilisation and restoration of Covers Farm Quarry at Covers Quarry, Westerham – SE/18/3435 (KCC/SE/0495/2018)

Existing Site Plan (including contours)



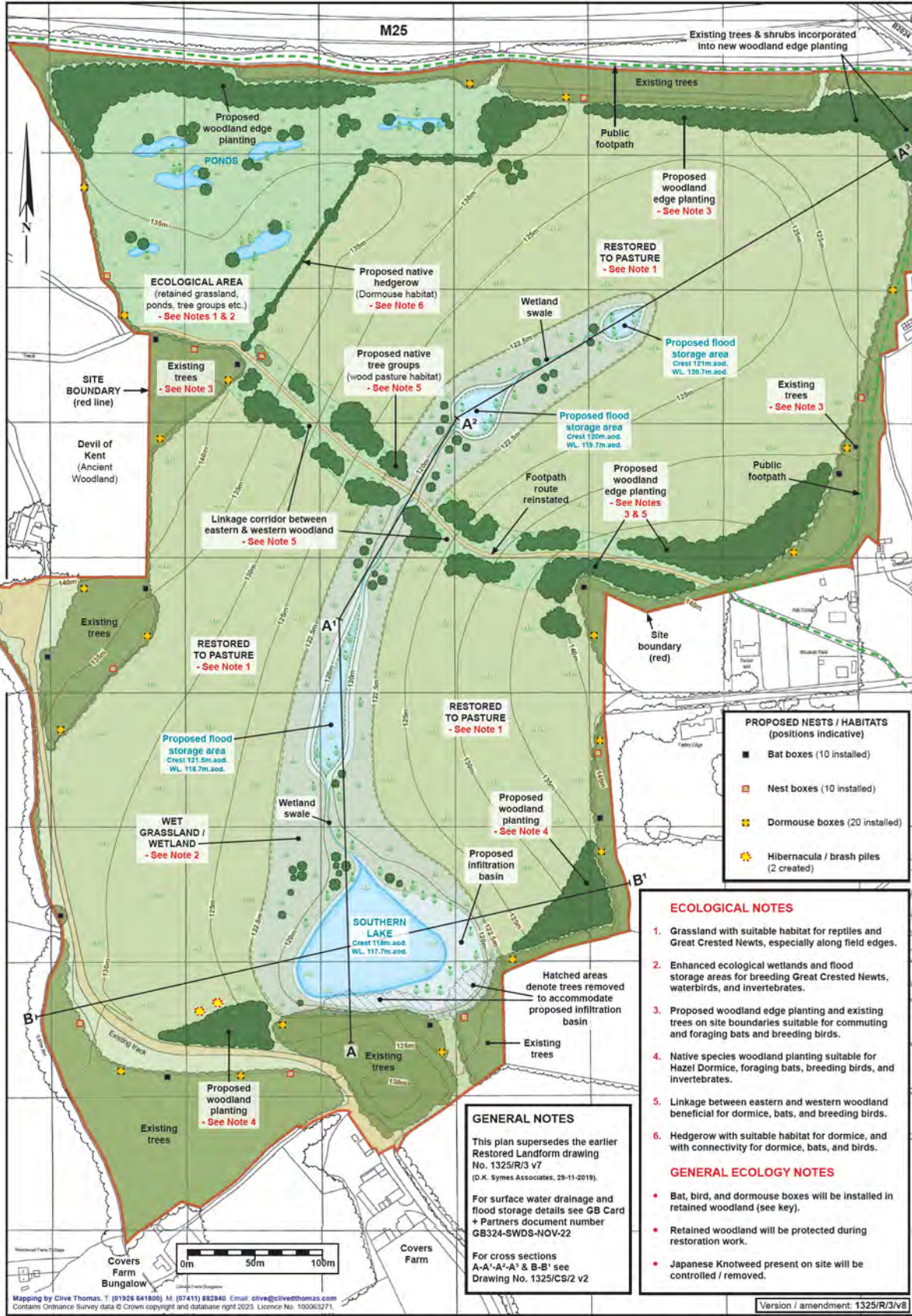
D.K. Symes Associates Covers Quarry - Site Plan (as existing) Scale - 1:2,500 (at A3) Date - 18-09-2018 Plan No. 1325/S/3

Composite of Approved Restoration Plans – Northern & Southern Quarry Areas



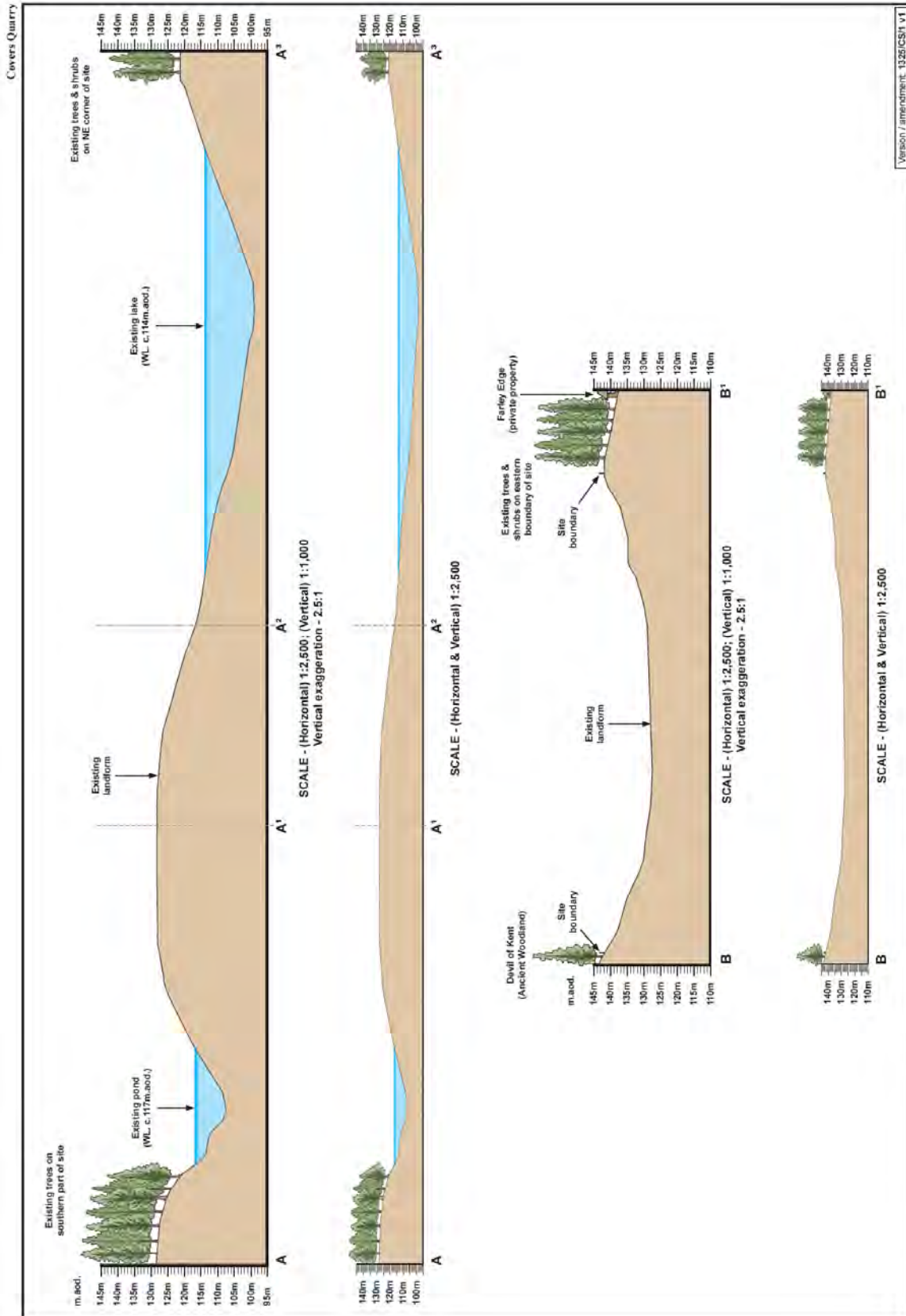
Stabilisation and restoration of Covers Farm Quarry at Covers Quarry, Westerham – SE/18/3435 (KCC/SE/0495/2018)

Proposed Restoration Plan



Stabilisation and restoration of Covers Farm Quarry at Covers Quarry, Westerham – SE/18/3435 (KCC/SE/0495/2018)

Illustrative Cross Sections (As Existing)



D.K. Symes Associates

Illustrative Cross Sections (As Existing)

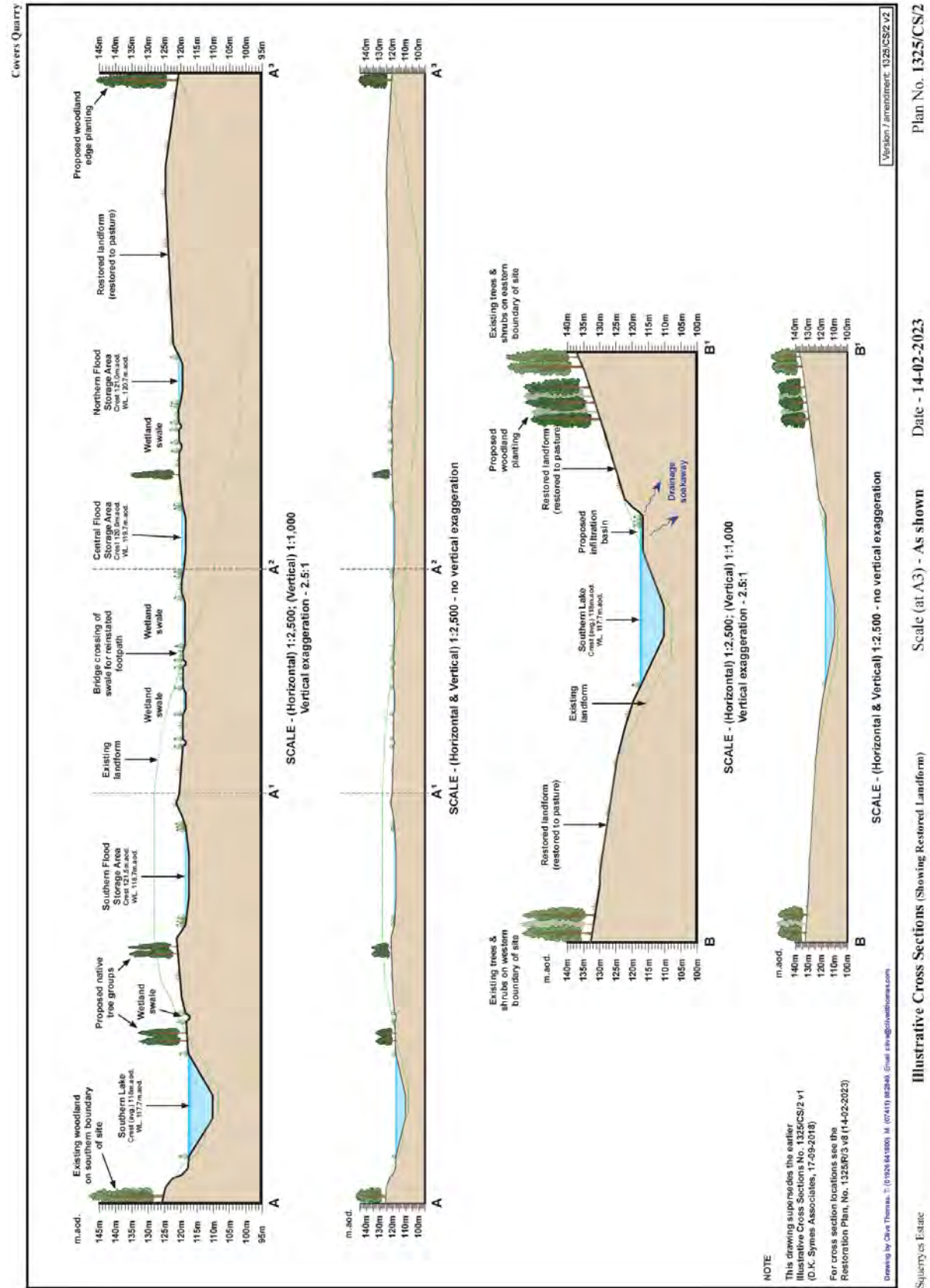
Scale (at A3) - As shown

Date - 17-09-2018

Plan No. 1325/CS/1

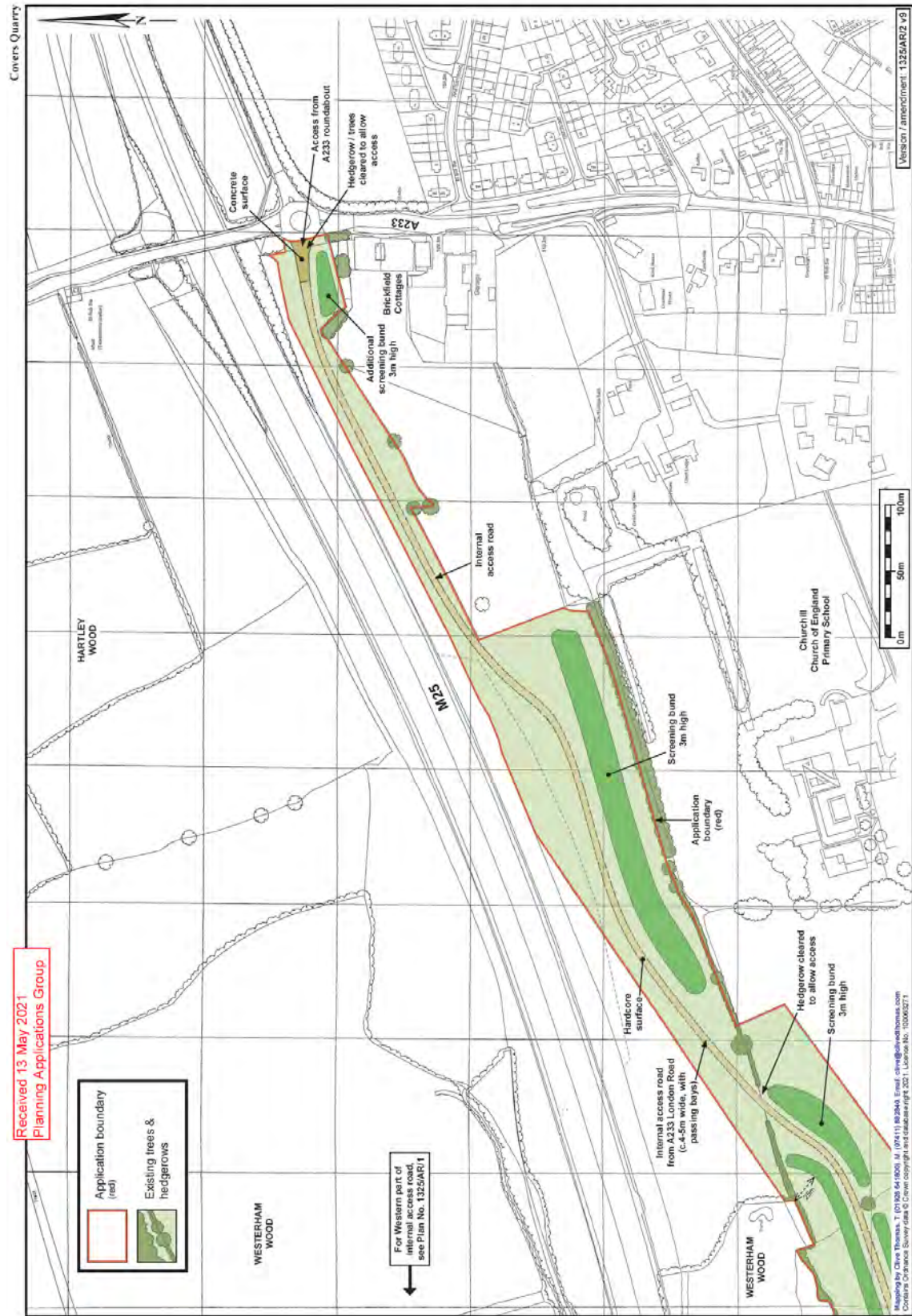
Stabilisation and restoration of Covers Farm Quarry at Covers Quarry, Westerham – SE/18/3435 (KCC/SE/0495/2018)

Proposed Cross Sections – Green Line Indicating Existing Landform



Stabilisation and restoration of Covers Farm Quarry at Covers Quarry, Westerham – SE/18/3435 (KCC/SE/0495/2018)

Haul Road – Illustrative Route of Internal Access Road (East) – Including Access Point onto Public Highway and Screening Bunds



Plan No. 1325/AR/2

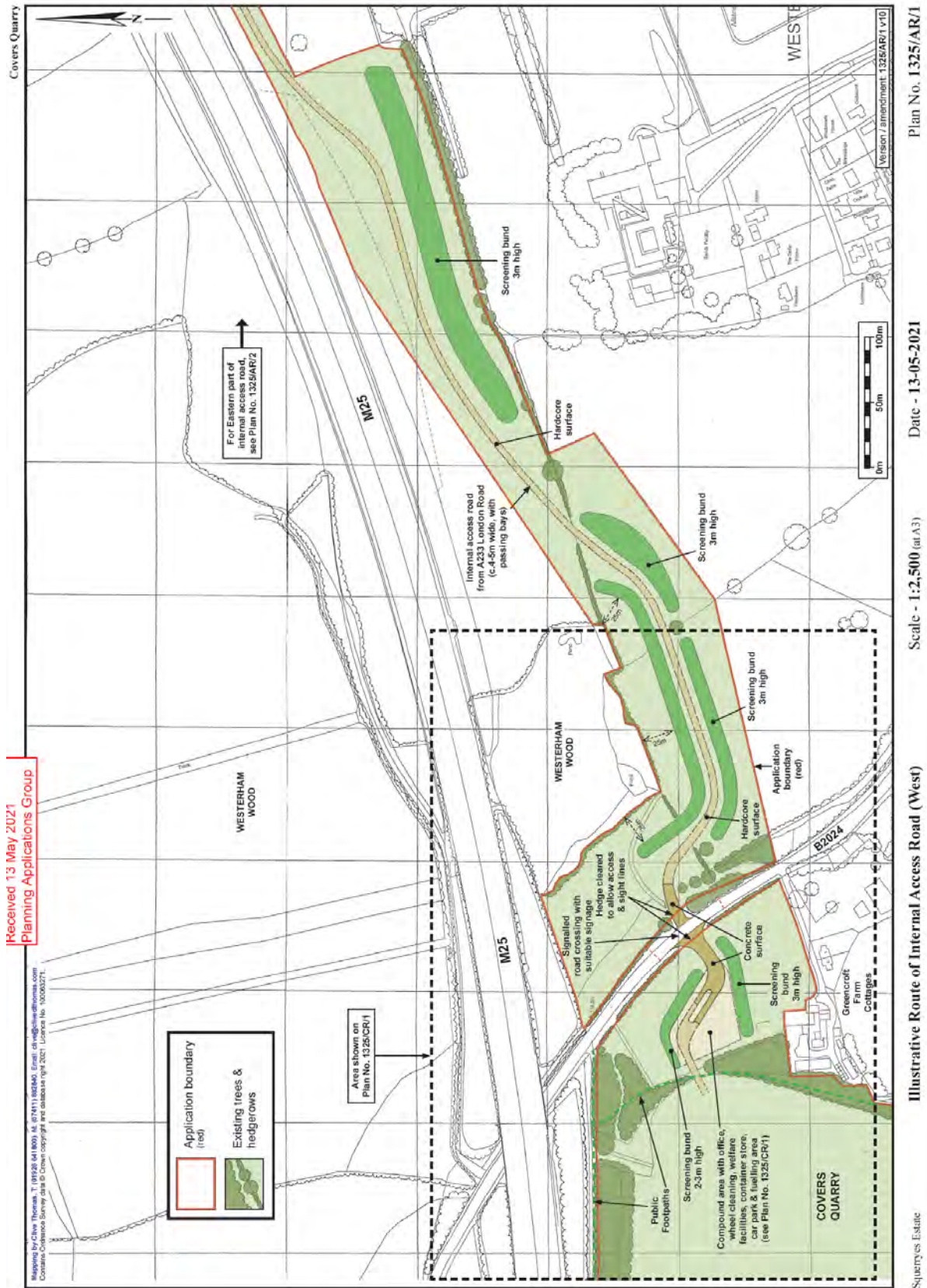
Date - 13-05-2021

Scale - 1:2,500 (at A3)

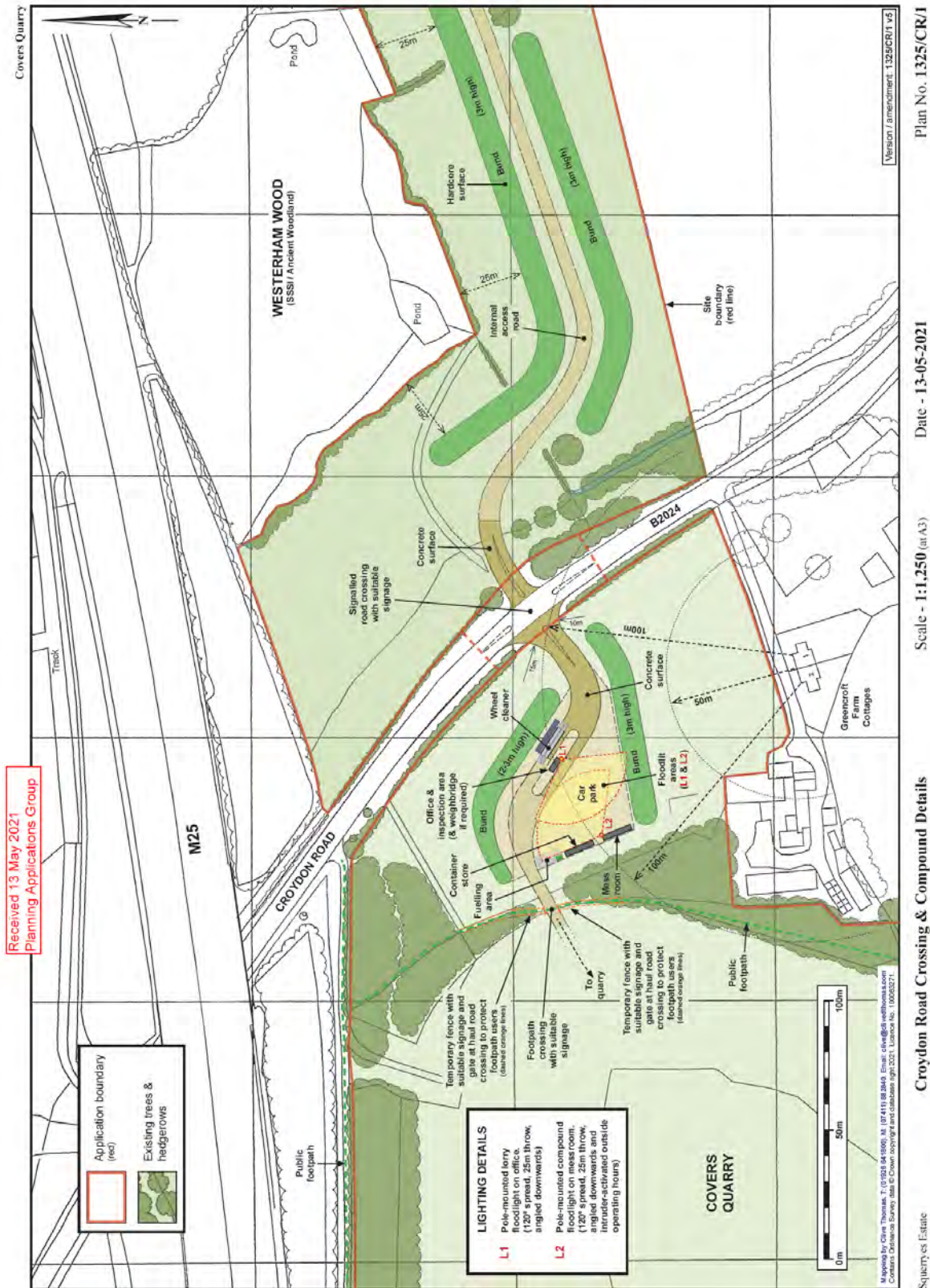
Illustrative Route of Internal Access Road (East)

Squeries Estate

Haul Road – Illustrative Route of Internal Access Road (West) – Including Screening Bunds



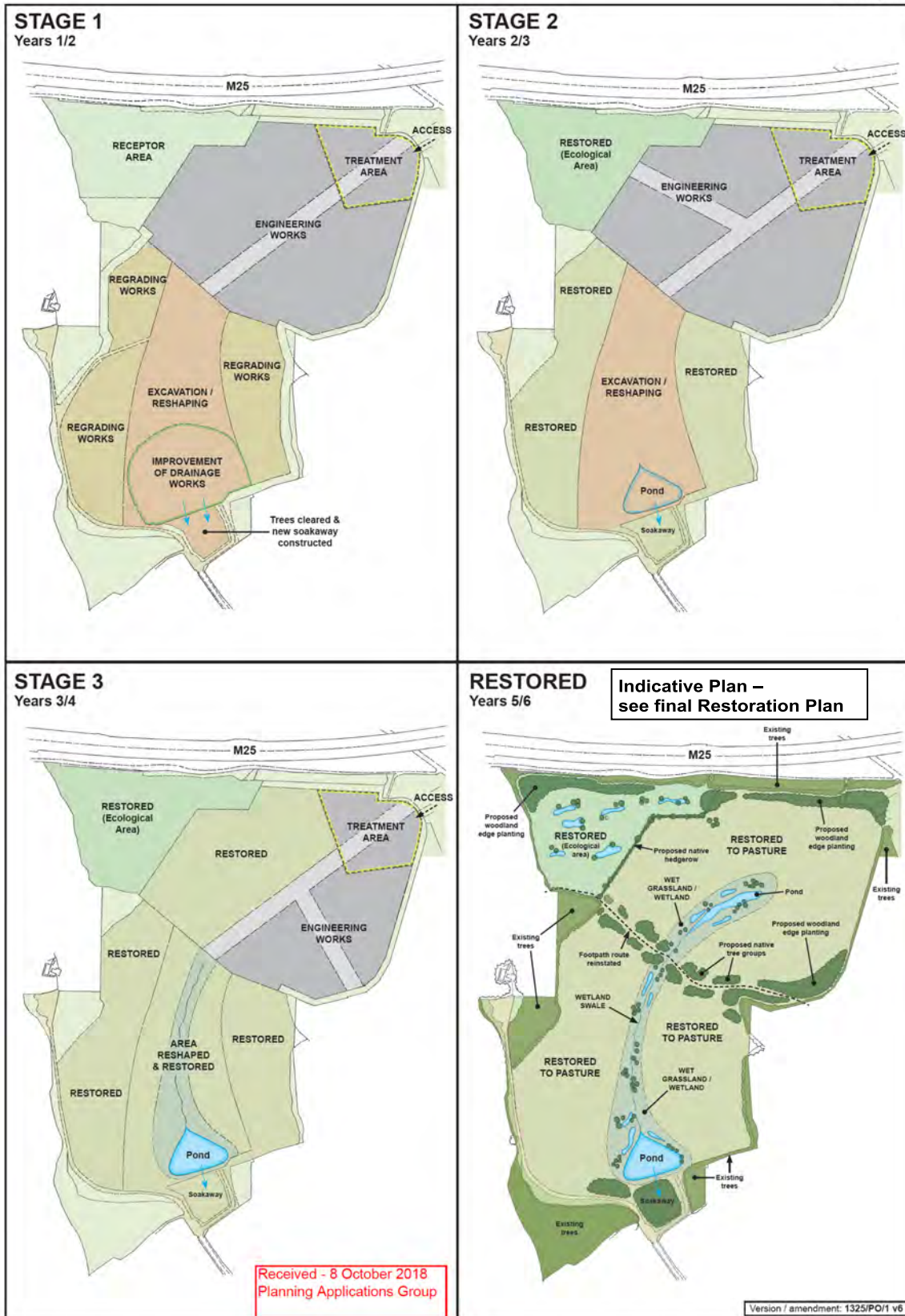
Haul road – Croydon Road Crossing and Temporary Construction Compound



Stabilisation and restoration of Covers Farm Quarry at Covers Quarry, Westerham – SE/18/3435 (KCC/SE/0495/2018)

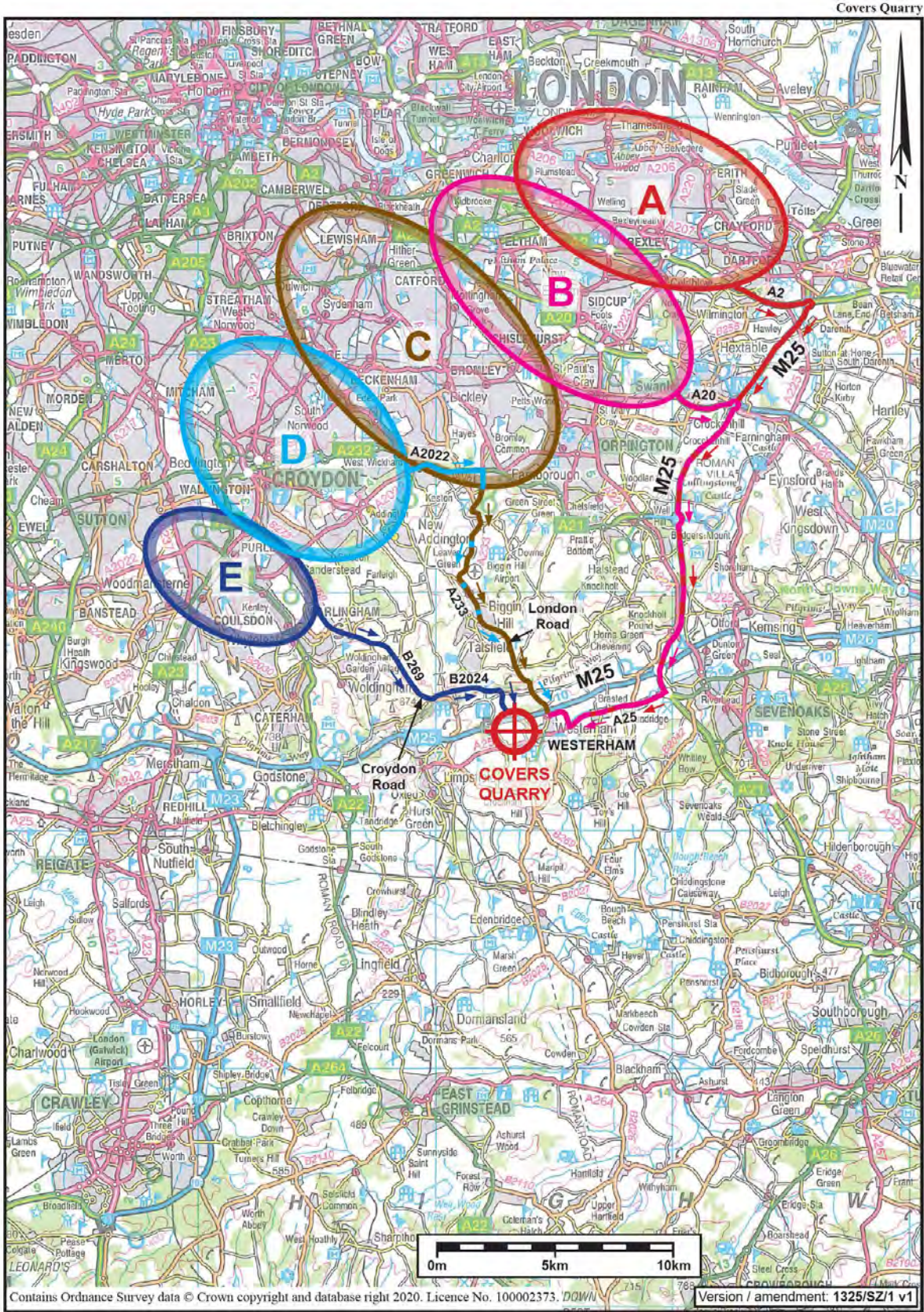
Progressive Phased Restoration Plans (showing proposed areas of excavation, regrading, engineering and infill works across the site)

Covers Quarry



Stabilisation and restoration of Covers Farm Quarry at Covers Quarry, Westerham – SE/18/3435 (KCC/SE/0495/2018)

Potential Sources of Infill Material with Proposed Access Routes to Site



D.K. Symes Associates

Source Zones A-E

Scale - 1:200,000 (at A4)

Date - 13-02-2020

Plan No. 1325/SZ/1

APPENDIX 2

Planning Application History

Historical planning applications and some more recent permissions:

Southern Pit

- SE/75/01088 – Removal of overburden and deposition of old workings and use of additional land for the extraction of sand – Granted.
- SE/75/01088A – Details of working scheme for area 1 in connection with development previously approved – Granted.
- SE/75/01088B – Details of working and restoration scheme for area in connection with development previously approved- Granted.
- SE/75/01088C – Details of landscaping and tree planting scheme in connection with development previously approved scheme – Granted.
- SE/76/00321 – The use of land for stacking and storage of paint and ornamental tiles – Granted.
- SE/77/00671 – The use of land for the stacking of roof tiles – Granted.
- SE/79/826 – Continued use of land for the stacking and storage of roof tiles (renewal of SE/77/671) – Granted.

Northern Pit

- SE/83/01511 – Removal of overburden and extraction of sand in phased workings with subsequent phased restoration – Granted.
- 96/00072 – Amendment to method of working approved under condition 3 of planning permission SE/83/1511 – Granted.
- SE/96/00903 – Variation of condition 20 of planning permission of SE/83/1511 to allow extended hours of working – Granted.
- SE/99/1912/MR62 – Review of Old Mineral Permission – date for submission of new scheme of conditions agreed as 24 April 2015.
- SE/02/2255 - Application to vary condition (ii) of planning permission SE/83/1511 to enable an extension of time to restore the sandpit formerly known as Squerryes Sandpit until 30th April 2014 – Granted.
- SE/14/01680 - Application to vary condition (ii) of planning permission SE/83/1511 to enable an extension of time to restore the sandpit formerly known as Squerryes Sandpit until 31st October 2015 – Granted.
- SE/15/3212 - Application to vary condition (ii) of planning permission SE/83/1511 to enable an extension of time to restore the sandpit formerly known as Squerryes Sandpit until 31st October 2017 – Granted.

Stabilisation and restoration of Covers Farm Quarry at Covers Quarry, Westerham – SE/18/3435 (KCC/SE/0495/2018)

- SE/17/3215 - Application to vary condition (ii) of planning permission SE/83/1511 to enable an extension of time to restore the sandpit formerly known as Squerryes Sandpit until 31st October 2019 – Granted.

Whole site

- KCC/SE/0233/2019 – Application to vary permission SE/17/3215 (and subsequent amendments SE/83/1511, SE/96/903 and SE/02/1636) to enable and extension of time to restore the quarry (formally known as Squerryes Sandpit) until 31 October 2021 – Determination pending.

This application is being held in abeyance pending the outcome of the current application on the basis that if permission is not granted for the infilling it will be necessary to secure the restoration of the quarry in accordance with a revised solution.

APPENDIX 3

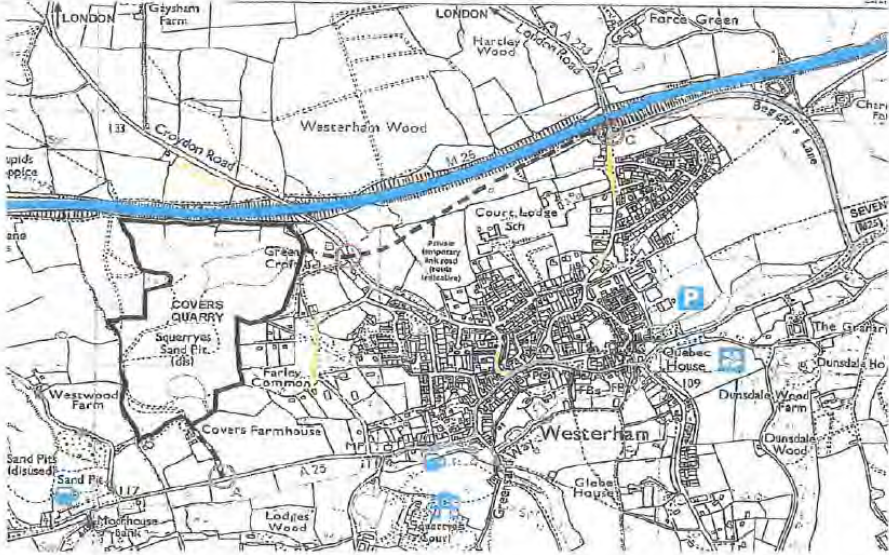
Statement on behalf of Community Stakeholders presented by Local KCC Member Nick Chard to the Planning Applications Committee Site Visit, October 2021

Application for the Restoration of Covers Farm Quarry

- The obligation to restore the former sandpit within 10 years of cessation of extraction (2003) has been extended 6 times without any action.
- The approved proposal requires restoration using **on-site material** with no importation of additional fill.
- Applicant **has not demonstrated** the need for this **large scale** infill
 - **Stabilisation to protect the M25 is not necessary**
Highways England letter to WTC, March 2021: "Our statement from 2018, saying that the M25 is 60m from the northern slope and it would be unlikely that the slope failures would migrate that far north and reach the M25, has not changed"
 - **Alleged threat of flooding, not evidenced**
"If there were a risk of flooding, **alternative solutions** are available: eg by installing a drainage system" - WTC geotechnical consultant. Jan 2021
- Granting this application would result in excessive harm which would **'significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole'** (Policy CSM1 of Kent Mineral and Waste Local Plan 2013-30). Harm caused by:
 - Addition to existing traffic of **200 HGV journeys 5 days a week for 6 years** through residential and conservation areas
 - HGV routing along unsuitable roads: risk of severe delays, **road traffic accidents**, compromising road safety
 - Damage to **heritage assets**: Ancient woodland (Westerham Wood) adjacent to proposed haul road; nearly 50 listed buildings bordering route along A25.
 - **Worsening of Air Quality** in already designated AQMAs (Brasted & M25 corridor). Haul road along local primary school's playing field boundary
 - **Increased noise, dust and vibration** 5 days a week
 - **Drainage** issues dealt with superficially; dewatering northern lake will 'infiltrate into the ground'; no explanation of impact of this on the Darent valley - a flood risk area.
 - **Loss of biodiversity** through habitat destruction.

Stabilisation and restoration of Covers Farm Quarry at Covers Quarry, Westerham – SE/18/3435 (KCC/SE/0495/2018)

Map of Westerham showing the proposed access roads and route of haul road



We the undersigned, representing the communities affected by this proposal, contend that the weight of the adverse impacts of the planning considerations of the application outweigh any benefits and it should thus be refused.

A = Direct original access, still available B&C = proposed access

B&C will cause delays on existing roads A223 & B2024

[Redacted]	Chairman, Westerham Town Council	
[Redacted]	Chairman Keep Westerham Green	
[Redacted]	Chairman Brasted Parish Council	
[Redacted]	Chair, Planning Committee, Sundridge & Ide Hill Parish Council	
[Redacted]	District Councillor, Sevenoaks D.C. (Westerham ward)	
[Redacted]	Member Bromley Borough Council (Biggin Hill Ward)	

E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

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

Background Documents - The deposited documents.

- AS/15/206/R47 Details of updated ecological surveys for Phases 5, 6 & 7 of the Burleigh Farm extension area pursuant to condition 47 of planning permission AS/15/206 for a sand quarry.
Charing Quarry/Burleigh Farm, Hook Lane, Charing, Ashford, Kent, TN27 0AN
Decision: Approved
- DA/24/0296 Installation of 24 Tank Mounted HVI lightning masts to existing Sewage Sludge Digester Tanks No's 1 to 8.
Longreach Sewage Treatment Works, Marsh Street, Dartford, Kent, DA1 5PP
Decision: Permitted
- FH/22/1310/R10 Details of a Verification Report pursuant to Condition 10 of planning permission FH/22/1310.
Dungeness A Power Station, Dungeness Road, Lydd, Kent, TN29 9PP
Decision: Approved
- GR/23/376/R5 Details of a strategy to deal with potential risks associated with any contamination of the site pursuant to Condition 5 of planning permission GR/23/376 for an enclosed electronic waste (E-Scrap) transfer facility.
Britannia Refined Metals Ltd, Britannia Metal Refinery And Premises, Lower Road, Northfleet, Gravesend, Kent, DA11 9BG
Decision: Approved
- GR/23/376/R6 Details of a piling risk assessment pursuant to Condition 6 of planning permission GR/23/376 for an enclosed electronic waste (E-Scrap) transfer facility.
Britannia Refined Metals Ltd, Britannia Metal Refinery And Premises, Lower Road, Northfleet, Gravesend, Kent, DA11 9BG
Decision: Approved
- GR/23/376/RVARA Details of an Archaeological Investigation (Condition 3), a Construction Environmental Management Plan (Condition 4), and a request to carry out piling between March and August (condition 17) pursuant to planning permission GR/23/376 for an enclosed electronic waste (E-Scrap) transfer facility.
Britannia Refined Metals Ltd, Britannia Metal Refinery And Premises, Lower Road, Northfleet, Gravesend, Kent, DA11 9BG
Decision: Approved

- MA/24/501187 Section 73 application to vary condition 2 of planning permission MA/19/503796 to require only the removal of the buildings erected in connection with the manufacture of Kent peg tiles.
Babylon Tile Works, Babylon Lane, Hawkenbury, Kent, TN12 0EG
Decision: Permitted
- TH/24/371 Relocation of existing portable building and installation of walkway canopy.
Manston Road Depot, Half Mile Ride, Manston, Kent, CT9 4LX
Decision: Permitted

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

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

Background Documents – The deposited documents.

AS/24/459	Supply and installation of a temporary two-storey modular classroom block and associated stairwell and lobbies. Chilmington Green Temporary School, Jemmett Road, Ashford, Kent, TN23 4QE Decision: Permitted
CA/23/2108/R3	Details of a Construction Management Plan pursuant to condition 3 of planning permission CA/23/2108. St John's CEP School, St. Johns Place, Canterbury, Kent, CT1 1BD Decision: Approved
CA/24/379	Proposed re-surfacing and edging of existing informal hardstanding to provide connecting access between the carpark, changing areas, and pathways Grove Ferry Picnic Site, Grove Ferry Road, Wickhambreaux, Canterbury, Kent CT3 4BP Decision: Permitted
DO/19/1120/R16A	Details of a Topographical Survey for Phase 3 pertaining to the surface water drainage pursuant to Condition 16 of planning permission DO/19/1120. Dover Grammar School For Boys, Astor Avenue, Dover, Kent CT17 0DQ Decision: Approved
DO/23/354/R8	Details of a Construction Management Plan pursuant to Condition 8 of planning permission DO/23/354. Dover Discovery Centre, Market Square, Dover, Kent, CT16 1PH Decision: Approved
FH/24/301	Proposed relocation and upgrade of existing sewage treatment plant, installation of associated fencing, two manhole drains and temporary footpath diversion. Brookhill Country Park, Sandling Road, Saltwood, Hythe, Kent CT21 4HL Decision: Permitted
GR/24/0177	Temporary permission for the erection of two one-storey modular prefabricated buildings for school use (Class F1), pathway and associated works. Northfleet Technology College, Colyer Road, Northfleet, Gravesend, Kent, DA11 8BG Decision: Permitted

MA/23/502577/R3 Details of how the development would enhance biodiversity pursuant to Condition 3 of planning permission MA/23/502577.
Five Acre Wood School, Boughton Lane, Maidstone, Kent ME15 9QF
Decision: Approved

TM/23/3249 New replacement outdoor cricket practice facility.
The Judd School, Brook Street, Tonbridge, Kent TN9 2PN
Decision: Approved

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINIONS 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/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/SCR/AS/0247/2023 - Request for a Screening Opinion as to whether the proposed installation of a new 4.2km waste water pipeline from High Halden WTW to the Tenterden gravity sewer network requires an Environmental Impact Assessment. High Halden WTW, off Wrens Nest Road, High Halden, Ashford, Kent, TN26 3NH to Tenterden sewer network

KCC/CA/0235/2023 - Retrospective application for the erection of a Materials Recycling Facility and associated works. Shelford Farm Estate, Shelford Waste Management Facility, Broad Oak Road, Canterbury, Kent CT2 0PU

KCC/SCR/FH/0069/2024 - Request for a Screening Opinion as to whether the proposed erection of a waste transfer station, together with an enhanced site access to the A20, amenity blocks, staff and commercial vehicle parking, weighbridge and fuelling areas plus landscaping/ecology areas and SUDS requires an Environmental Impact Assessment. Land adjacent to Ashford Road/A20 Westenhanger, Hythe, Kent CT21 4HU

KCC/GR/0089/2024 - Installation of a tarmac pathway linking the main pathway to the pond dipping platform. Shorne Woods Country Park, Brewers Road, Shorne, Gravesend, Kent DA12 3HX

- (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.

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

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

KCC/SCO/SW/0059/2024 - Request for a Scoping Opinion to determine the information to be provided in an Environmental Statement to accompany a planning application for a proposed carbon capture facility.

Ridham Dock Biomass Facility, Lord Nelson Road, Ridham Dock, Iwade, Sittingbourne, Kent ME9 8FQ

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*

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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 planning application EDC/22/0168 - Proposed development at Land adjacent to Ebbsfleet International Railway Station, Thames Way, Ebbsfleet

KCC Highways & Transportation response to Ebbsfleet Development Corporation on the above.

F2 KCC Government Consultation Response on an Accelerated Planning System April 2024

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

F3 Canterbury City Council Local Plan Regulation 18 Consultation

KCC response to Canterbury City Council on the above.

F4 Dover District Local Plan 2040 – Main Modifications Consultation

KCC response to Dover District Council on the above.

F5 Consultation on the Draft Royal Tunbridge Wells Town Centre Plan – Vision 2040

KCC response to Tunbridge Wells Borough Council on the above.

F6 Consultation on the Draft Wealden (Regulation 18) Local Plan

KCC response to Wealden District Council on the above.

F7 Consultation on planning application 21/503914/EIOOUT - Proposed development at land south and east of Sittingbourne

KCC Response to Swale Borough Council on the above

F8 Consultation on planning application 21/503906/EIOOUT - Proposed development at land to the west of Teynham, London Road, Teynham

KCC Response to Swale Borough Council on the above

F9 Written Statement to the Tunbridge Wells Local Plan Examination – Stage 3 Matters, Issues and Questions

KCC Response on the above

F10 Consultation on planning application 24/00372/PA – Proposed development of land to west of Hermitage Lane and East of Kiln Barn Road

KCC Response to Tonbridge & Malling Borough Council on the above



Ebbsfleet Development Corporation

The Observatory
Castle Hill Drive
Castle Hill
Ebbsfleet
Kent
DA10 1EE

Highways and Transportation

Kroner House

Eurogate Business Park
Ashford

TN24 8XU

Tel: 03000 418181

Date: 11 April 2024

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

Chapter seven of the Design and Access Statement sets out indicative widths for the Primary / Fastrack, Secondary and Tertiary routes, as follows:

- Primary / Fastrack Route: 26.75m cross section including 4m footway, 2m cycle route, 4m verge / bus stop, 6.75m carriageway, 4m verge / bus stop, 2m cycle route, 4m footway (plus 2m each side of the carriageway for privacy planting).
- Secondary Routes: 21.9m cross section including 3.3m footway, 2m cycle route, 2.4m parking / verge, 6.5m carriageway, 2.4m parking / verge, 2m cycle route, 3.3m footway (plus 1m each side of the carriageway for privacy planting / SUDS).
- Tertiary Routes: 15.8m cross section including 3m shared footway / cycleway, 2.4m parking / verge, 5m carriageway, 2.4m parking / verge, 3m shared footway / cycleway, (plus 1m each side of the carriageway for privacy planting).

The principles of the above are acceptable, subject to further detail through Reserved Matters Applications. It is noted, however, that Fastrack will travel along part of the secondary street, between the bus gate and Thames Way. The entire Fastrack route within the site, including the segregated sections, shared sections, and the section between the bus gate and Thames Way must have a 6.75m wide carriageway as a minimum (with additional widening on bends should tracking show this to be required), to allow both the 12.2m electric and 18m articulated buses to pass.

With regard to the dedicated Fastrack link, the parameter plans show the junction with Southfleet Road could be located anywhere between the Eastern Quarry Spur and Whitecliffe Road. Drawings 103780-PEF-EC-XX-M2-Y-000008 P03 and 103780-PEF-EC-XX-M2-Y-000012 P03 in Appendix H of the Transport Assessment Addendum (TAA) show indicative locations for Option One (at the northern end of this section) and Option Two (as a crossroad junction with the Eastern Quarry spur), respectively. Option One is also shown on the Proposed Highway Arrangements Overview Plan 103780-PEF-EC-XX-M2-Y-000019 P07 and Illustrative Masterplan ECE-WAM-XX-XX-DR-A-07-100 00. However, to reconfirm KCC's position, the link should form a signal junction crossroads with the spur from Eastern Quarry, as per Option Two (subject to detailed design), as this will avoid the buses getting caught in congestion on Southfleet Road, avoid the need for two separate signal junctions (as Fastrack would need priority) and would result in the quickest journey time. If, after best endeavours, Option Two is proven to be unachievable in this location, the link should be delivered in an alternative location within this section of Southfleet Road, subject to agreement with KCC.

The Fastrack vehicle tracking shown on the above plans show buses travelling along Southfleet Road. The tracking is tight and the carriageway does not meet the 6.75m width required by Fastrack. If Option One (or similar) was to be implemented, the section of Southfleet Road between the two junctions would need to be widened to 6.75m with additional width on bends if shown to be required through tracking.

The Access and Circulation Parameter Plan (ECE-WAM-XX-XX-DR-A-07-020 Rev 02) shows indicative locations for the bus stops. These are different to the locations previously discussed with the Fastrack team and will need to be relocated at the Reserved Matters Application stage in order to reflect the routing of the buses. Where possible, space should be provided on Thames Way to enable KCC to incorporate a Fastrack bus stop on either side of the carriageway in the vicinity of the new ped/cycle link to Northfleet, should this link come forward in the future.

The journey time review in the TAA shows commercial bus services using the link across Southfleet Road and the bus gate. However, these are likely to be for Fastrack buses only.

Drawings 103780-PEF-EC-XX-M2-Y-000046 P02 'EC1 Masterplan Indicative Pedestrian and Cycle Infrastructure Crossing Layout' and 103780-PEF-EC-XX-M2-Y-000046 'EC2 Masterplan Indicative Pedestrian and Cycle Infrastructure Crossing Layout' show indicative crossing types both on and off site. This is welcomed, although specific crossings will be determined at the Reserved Matters Stage and must be in line with LTN 1/20 and Kent Design Guide (KDG).

Paragraph 3.2.1 of the TAA refers to the KCC Green Corridors segregated footway and cycle scheme that is proposed along the northeastern side of Thames Way, and states that should this scheme not be delivered by KCC, this will be delivered by the Applicant. A green line denoting the 'Green Corridors Extent' is shown on the highway plans. It is unclear why this is the specific extent given it is beyond the highway boundary line. However, reasonable endeavours should be made to include a verge separating pedestrians and cyclists from the carriageway.

In line with point 5.2.1 of the Road Safety Audit Report, the introduction of a pedestrian restraint barrier or landscaping to highlight the end of the cycleway/footway at Springhead Bridge should be considered further at the detail design stage.

Further information was provided on 10.04.24 regarding the trip generation for the leisure uses. This is considered to be acceptable.

The KCC PROW team have been consulted separately and therefore I have no further comment on the PROW element or their requested contributions that need to be secured.

A Section 278 Agreement will be required prior to any work being undertaken on the adoptable highway.

Conclusion

Having considered the additional information submitted and the development's effect on the highway network, I raise no further objection to the proposed development on highway grounds subject to the below Conditions and S106 Contributions being secured.

Conditions and S106 Contributions

Pedestrian and cycle connection to be made to the 'bridge to nowhere' / 'unfinished bridge' so that future links to Car Park D are available should this site come forward in the future.

Best endeavours to implement a direct pedestrian and cycle link between Thames Way and Northfleet Station, reducing journey times and creating a transport interchange between Ebbsfleet International and Northfleet Station, as identified in the Ebbsfleet Implementation Framework. Land should be safeguarded under this application for the new link.

A financial contribution towards pedestrian and cycle improvements at the A226 / Railway Street junction. Specific measures to be determined by KCC upon receipt of the funding, but in line with the Walking and Cycling audit and TAA, could include such things as relocation of signs, provision of finger post and dropped kerbs. Suggested funding of £20,000, to be provided three months prior to occupation of the site, but final contribution amount to be agreed. Should the safeguarded pedestrian and cycle connection between the site and Northfleet Station be operational prior to this, or the area has already been, (or is due to be imminently) upgraded as part of the adjacent Northfleet Harbourside development (ref: 20221064), then this contribution would no longer be required.

Unless already implemented by KCC, or due to be implemented imminently, the Applicant must implement the Green Corridors segregated pedestrian and cycle route along Thames Way, prior to first occupation. The design should ensure the issues highlighted by the Road Safety Auditor at points 2.3.5 (debris to be removed, overgrown vegetation cut back) and 2.3.6 (the footway/cycleway surfacing and subbase to be replaced) are rectified. Reasonable endeavours should be made to include a verge between the route and the carriageway.

Vehicle and cycle parking provision to be provided in line with the Ebbsfleet Development Corporation's standards, with the exception of the office employment use, for which vehicle parking is to be provided at a minimum of one space per 50 sqm unless otherwise agreed with KCC. No parking leases are to be made available to businesses or individuals to park within the multi-storey car parks as this would undermine the low parking provision and could attract additional trips to the site. Parking provision to be brought into use prior to occupation of the associated use. Appropriate parking provision for visitors, disabled users, vans, motorbikes and delivery vehicles will be required. Cycle parking should include provision for adapted bikes.

The existing Ebbsfleet International Station 'drop off' provision to be re-provided on site on a like for like basis, and open prior to the closure of the existing spaces, unless otherwise agreed with KCC.

All existing surface car park provision to be re-provided within the multi storey car parks and open prior to the closure of the same number of existing spaces, unless otherwise agreed with KCC.

Electric vehicle charging facilities to be provided in line with the relevant Building Regulations. In addition, in line with the KCC draft parking standards for all uses with off street parking, any units with less than 10 spaces are required to provide 10% active and 20% passive charging facilities. As the majority of the spaces are expected to be in covered car parks, it is requested that the required proportions set out in the Building Regulations and KCC draft standards are applicable, regardless of whether the spaces are covered or not. Chargers should be a minimum of 7kw output and SMART (enabling Wifi connection). Passive provision should include ducting and cabling. Additional charging infrastructure to be provided in the Multi Storey Car Parks.

Best endeavours to introduce Traffic Regulation Orders on all roads that are to be adopted, upon adoption of the road, to prevent on street parking outside of designated bays and to keep the Fastrack route clear. The cost of preparing and implementing the TRO's will be at the Applicants expense. Private parking enforcement will be required from opening of the associated road until adoption takes place. Private parking enforcement is required for all non-adopted roads (outside of dedicated bays), to be implemented upon opening of the associated road and retained in perpetuity.

Completion of the infrastructure shown on the plans listed below. Further revisions may need to be made during appropriate Reserved Matters Application stages in order to accommodate further detail where required, to tie into on-site proposals and to reflect any changes that have been made to the network since their approval.

- 103780-PEF-EC-XX-M2-Y-000014 - P07 Thames Way / A226 signalised junction, Thames Way priority junctions x2 (EC1), & Thames Way toucan crossing. To be implemented prior to occupation of EC1 (currently known as Phase two).
- 103780-PEF-EC-XX-M2-Y-000015 - P07 Thames Way / Northfleet Terminal signalised junction & Thames Way priority junction (EC2). All works to be implemented prior to occupation of EC1 (currently known as Phase two) except the priority junction into EC2 which is to be implemented prior to first occupation of the site.
- 103780-PEF-EC-XX-M2-Y-000016 - P07 Thames Way / Ebbsfleet Gateway signal control junction & International Way / Ebbsfleet Gateway signal control junction. To be implemented prior to first occupation of the site.
- 103780-PEF-EC-XX-M2-Y-000017 – P07 Springhead Bridge / Ebbsfleet Gateway Signal Control Junction. To be implemented prior to first occupation of the site.
- 103780-PEF-EC-XX-M2-Y-000018 – P07 International Way / Ebbsfleet Gateway Roundabout mitigation. To be implemented prior to first occupation of the site.
- As per drawings 103780-PEF-EC-XX-M2-Y-000018 – P07 (Ebbsfleet Gateway / International Way) and 103780-PEF-EC-XX-M2-Y-000019 P07 (Proposed Highway Arrangements Overview), International Way must become two-way working throughout,

prior to first occupation of the site. Cycle route design along International Way (between the A2260 roundabout and Ebbsfleet International Station) to be determined at Reserved Matters Application stage.

- As per drawings 103780-PEF-EC-XX-M2-Y-000017 P07, 103780-PEF-EC-XX-M2-Y-000015 P07 and 103780-PEF-EC-XX-M2-Y-000014 P07, a 6m (minimum) walking, cycling and verge corridor to be provided along the western side of Thames Way and northern side of Ebbsfleet Gateway between the access to Car Park C and the A2260 / Springhead Bridge junction, prior to first occupation of the site.
- 103780-PEF-EC-XX-M2-Y-000040 Rev P05 Proposed Speed Limit Changes Overview, to be implemented prior to first occupation of the site. The cost of the TROs and required infrastructure to be borne by the Applicant. Changes to include:
 - Reducing the speed limit to 30mph on: (1) Thames Way and Ebbsfleet Gateway between the Stone Bridge Road / Grove Road roundabout and the existing 40mph (EB) / 50mph (WB) signs on the A2260 Ebbsfleet Gateway (west of Springhead Bridge), and (2) Southfleet Road between the International Way roundabout and the Castle Hill Drive roundabout.
 - Reduce the speed limit on the A2260 Ebbsfleet Gateway between the existing 40mph (EB) / 50mph (WB) signs, west of the junction with Springhead Bridge, and the Southfleet Road roundabout, to 40mph.

Visibility splays shown on all of the above highway plans shall be kept clear of obstructions over 600mm in height (measured from footway level) and maintained as such at all times.

In line with Kent Design Guide, emergency access into EC1 to be delivered prior to the occupation of the 50th dwelling. Secondary (linked) access into EC1 to be delivered prior to the occupation of the 300th dwelling. Two linked access points within EC2 to remain open on a permanent basis.

Provision and permanent retention of a Fastrack route through the site between Southfleet Road and Thames Way, to be available for use prior to first occupation of the site. The corridor must include a continuous 6.75m carriageway (with additional widening at bends where required to allow both 12.2m electric and 18m articulated buses to pass), a dedicated Fastrack, walking and cycling link from International Way to Southfleet Road and a new signal-controlled junction with Southfleet Road including pedestrian and cycle crossing facilities across Southfleet Road. The exact location of the junction with Southfleet Road is to be determined at either Masterplan or Reserved Matters Application stage but best endeavours should be made to implement Option Two as shown on drawing 103780-PEF-EC-XX-M2-Y-000012 P03. If, after best endeavours have been undertaken, Option Two is proven to be unachievable in this location, an alternative location on Southfleet Road should be provided, subject to agreement with KCC. If the junction with Southfleet Road is to be located north of the Eastern Quarry spur, Southfleet Road should be widened to a minimum of 6.75m between the two junctions. Adjacent footways, cycle routes and verges along the entire Fastrack route to be provided in line with appropriate street typologies defined through the Reserved Matters Applications.

Provision and permanent retention of a two-way bus gate within EC2 to permit Fastrack buses to travel between International Way and the vehicle access onto Thames Way (the junction as shown on drawing 103780-PEF-EC-XX-M2-Y-000015 P07). Exact location to be determined through Reserved Matters Applications.

A financial contribution of £63,000 for 3x four-bay semi-enclosed Fastrack bus shelters with real time information screens, (£21,000 each), prior to first occupation of the site. Exact Fastrack bus stop locations to be agreed with KCC during Reserved Matters Applications. The inclusion of green roofs should be considered.

A financial contribution of approximately £200,000 for ANPR bus lane enforcement of the Fastrack route (or other method agreed by KCC), three months prior to opening of the Fastrack only route and bus gate.

An annual Fastrack bus ticket to be offered to each resident upon first occupation of each dwelling with a maximum claim of two tickets per household. The tickets should be well advertised to encourage take-up. Alternatively, the equivalent monetary value of the ticket at the time of offering may be distributed in the form of KCC's Mobility as a Service (MaaS) credits, if this is available at the time, or any such app that supersedes it.

Submission and approval of a Site Wide Travel Plan, prior to first occupation of the site and being in line with the Framework. A Site Wide Travel Plan Coordinator (TPC) must be appointed prior to first occupation of the site. Site wide multi modal Travel Plan monitoring including vehicle monitoring at all vehicle access points, to commence by the occupation of the 200th dwelling and/or occupation of 5,000sqm of commercial floorspace (whichever comes first), and continue on an annual basis for the life of the Travel Plan (first occupation to two years post full build out), with the TPC producing the results in an annual Travel Plan monitoring report. Vehicle targets must be based on the predicted traffic generation of the site (as set out in the TAA), as that is what has been assessed. The predicted traffic generation should be clearly set out within the Full Travel Plan. Should there be a pause of more than two years of construction, monitoring can also be paused. Monitoring to resume as and when construction resumes and continue for two years post completion.

A KCC Travel Plan monitoring fee of £1422 for every five-year period is required and should be paid to KCC at the start of each five-year monitoring period.

Submission and approval of Individual Occupier Travel Plans is required prior to occupation of their associated use and should be based on the Site Wide Travel Plan. Showers, lockers and changing facilities to be provided for non-residential uses.

A Transport Review Group (TRG) must be established prior to the first monitoring period and shall meet on a six monthly basis unless otherwise agreed by KCC, ceasing two years post full occupation, in line with the life of the Travel Plan. The TRG should consist of a member from a) the Applicant team, b) KCC, c) Ebbsfleet Development Corporation and Gravesham Borough Council (if membership is requested by GBC) and will be chaired by the TPC. As a minimum the TRG will discuss / undertake the following duties:

- (a) progress at the site of terms of build out,
- (b) discuss any Travel Plan measures that have been implemented and their success
- (c) transport related issues including any complaints received, issues with bus services
- (d) review and agree the TPC's proposed methodology for the Travel Plan monitoring surveys, and review the results
- (e) agree the implementation of remedial measures should the targets be exceeded, and
- (f) review and comment (where necessary) on the Travel Information Packs.

A Travel Plan Toolkit fund of £400 per occupied dwelling or per a certain sqm of non-residential use (to be agreed), up to a maximum of £1,000,000, to be paid at the end of each six month period. Funds to be held by the Applicant (with evidence of its existence presented to the TRG) and are to be used for the implementation of remedial measures in the event that the vehicle

trips exceed the vehicle trip generation targets, or if additional funding for the car club is required at the end of the first contract. Remedial measures to be decided by the TRG.

A financial contribution of £50 per residential unit towards the cost of a cycle or cycle equipment, to be well advertised and offered to residents upon occupation of their associated unit. Offer to be available for one year post occupation of the associated residential unit.

A Mobility Hub to be provided within the site prior to first occupation of the site. The hub should contain as a minimum: Electric car club vehicle with plug in charge point; electric bike hub with plug in charge point, cycle stands and lockers, cycle repair stand, cycle pump, and an information terminal. Cycle hire (including cargo cycles) and secure parcel lockers should also be considered.

Establishment of a car club and minimum provision of two car club cars (and associated spaces) to be provided upon first occupation of the site. A minimum of four additional parking spaces for potential future car club vehicles to be provided over the full build out period with exact locations to be determined through Reserved Matters Applications. Spaces can be repurposed if not required. Electric vehicle charging infrastructure must be provided for the initial car club vehicle and any additional electric car club vehicles that are introduced as chargers are not provided by car club companies. Each resident with a valid driving licence to be offered one year's free membership to the car club and £50 driving credit, to encourage take-up. Offer to be widely advertised and be made available for one year post occupation of the associated residential unit. Use of the car club should be monitored through the Travel Plan and TRG, and the operator should be encouraged to increase the number of vehicles should demand be shown to warrant it. If, after the first contract period with the car club operator ends, the car club is not yet viable, the Applicant is to fund an additional contract with the operator for the same period of time as the first contract, to allow it more time to become viable. The Travel Plan fund can be used for this purpose if agreed by the TRG.

A maximum of 30% of the HEiQ to be for GP use unless otherwise agreed with KCC.

Submission and approval of a Construction Management Plan (CMP), prior to commencement and as a minimum, includes the below. Given the timescale of the build out, the CMP should be updated at the request of KCC but no more than once per year.

- (a) a plan showing the typical site layout including holding areas, adequate visibility, adequate space for loading / unloading, routing of construction and delivery vehicles to/from the site, parking and turning areas
- (b) construction programme including demolition and building phases
- (c) trip generation for each phase
- (d) details of any abnormal loads
- (e) on site facilities for construction workers such as WC, café
- (f) delivery scheduling / timing of deliveries
- (g) monitoring methodology for all construction related vehicles to/from the site
- (h) provision of wheel washing facilities
- (i) any temporary traffic management/ signage
- (j) site operating hours
- (k) reference to any behavioural and organisational measures being implemented (reduce, rethink, retime, reroute, remodel)
- (l) provision of measures to prevent the discharge of surface water onto the highway.
- (m) consideration of other major development sites that may be under construction at the same time including Northfleet Harbourside, Lower Thames Crossing, Eastern Quarry and Northfleet West.

- (n) How bus, walking, cycling and drop off access is to be maintained throughout the construction process (access must not be prevented and delays must be avoided)
- (o) a Construction Worker Travel Plan.

Submission and approval of a Transport and Parking Strategy (T&PS), prior to first occupation of the site, and as a minimum, includes the below. Given the timescale of the build out, the T&PS should be updated at the request of KCC but no more than once per year.

- (a) parking provision for each land use, including number and location of standard bays, visitor bays, disabled bays, motorcycle bays, car club bays and service & delivery bays
- (b) number, location and type of electric vehicle charging facilities
- (c) details of parking restrictions to be implemented including Traffic Regulation Orders
- (d) details of parking management and enforcement
- (e) details of any barrier controls
- (f) details of any permit and / or allocated parking system to be implemented.

All costs set out above should be index linked.

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 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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Your ref:
Our ref: GT/SJ/JAC

Date: 01 May 2024

Dear Sir/Madam

Department of Levelling Up, Housing & Communities Consultation - An Accelerated Planning System

This response has been prepared by Kent County Council, a two-tier planning authority with responsibility for mineral and waste management (county matters) development and the Council's own community development. The Council draws attention to the following matters in response to the consultation for an accelerated planning system.

Question 1. Do you agree with the proposal for an Accelerated Planning Service?

The need for the delivery of high-quality sustainable development in a timely manner is recognised as a common aspiration for all parties working within the planning process. An accelerated planning system may have potential, subject to mutual agreement by both applicant and local planning authority but needs to address concerns that it: raises the risk of creating a two-tier planning system, with accelerated applications prioritised due to the financial risks; the possibility of more refusals at the applicant's cost; and poorer quality development on the ground.

In particular, an accelerated planning service needs to consider why applications currently take longer than the statutory period to determine and the impact that this has on the delivery of developments, in terms of time, quality and local democracy. Applications typically take longer to determine

due to the need to provide further information or amend schemes to address issues raised by stakeholders during the planning process. These involve re-consultation and add substantial time to the determination process.

Planning authorities currently address issues raised through the planning process with positive and proactive discussion and negotiation to resolve concerns. Extension of Time Agreements are an important and effective part of the toolkit to allow sufficient time to resolve concerns raised and to make development that has the potential to be permitted, acceptable. Should the local planning authority be at risk of losing the planning fee (of potentially thousands of pounds) as proposed in the consultation, there is a significant risk that the planning authority will no longer be able to work positively and proactively, but will have little choice from a financial perspective to refuse an application that could have been made acceptable, so that it the planning authority retains the planning fee to part cover its costs. With the current financial pressures on local government, a planning authority cannot afford to lose the contribution to the planning service from planning fees. This proposal risks creating a perverse situation where an attempt to speed up the system causes delays, with an increase in second applications and appeals. A perverse unintended outcome could also be removing funding from planning services, with local authorities unable to offset lost planning fees with revenue from any other part of the precarious local authority budgets. This could lead to fewer available and trained staff to manage the applications in the desired timely manner.

An accelerated planning system also needs to recognise that there are often delays in issuing a decision notice due to actions not within the control of the planning authority. For example, a decision notice can be delayed due to the time needed to complete a s106 legal agreement, following a resolution to grant planning permission. It is not uncommon for this to exceed the statutory processing time, given the number and nature of parties involved. Without a mechanism to prevent, there is also the potential for a landholder/applicant to delay the signing of the agreement post the proposed 10-week period to trigger a refund of the planning fee. It is important that any new system prevents this scenario from occurring. A mechanism is also required to ensure that the referral process arising from the Town and Country Planning (Consultation) (England) Direction 2024 that affects a wide range of planning proposals is factored into any accelerated planning process. The referral process occurs post resolution to permit and can add weeks (at least the 21 days in the statute) to the planning process. The Planning Authority has no control over this timescale and is unable to issue a decision pending resolution of the referral process. Similarly, there are delays and little control from the planning authority over the timescale arising from engagement with Natural England regarding Habitat Regulations Assessment (HRA) matters, which need to be satisfied prior to the issuing of a planning decision.

A common cause for the delay in determining planning applications is the capacity of technical and statutory consultees which are already stretched to respond within the current regime. These parties would need additional resources if they were to be effective in delivering an accelerated system.

Question 2. Do you agree with the initial scope of applications proposed for the Accelerated Planning Service (Non-EIA major commercial development)?

Yes - It is agreed that minerals and waste development should be excluded from the scope of the Accelerated Planning Service. Clarification is sought as to how local authority community development (Regulation 3 development) would be affected and notes that some public service infrastructure is already measured against a 10 week period, but without a higher fee to ensure that resources are available for an accelerated service. This would appear to be an inconsistency that should be addressed. The limited scope could provide a useful trial period.

Question 3. Do you consider there is scope for EIA development to also benefit from an Accelerated Planning Service?

The scale and complexity of EIA development does not lend itself to an Accelerated Planning Service. Any changes to performance criteria, should also recognise that further information and changes to these types of applications are not uncommon, triggering statutory timescales for additional publicity (30 days) and press adverts, outside the control of the planning authority. If an accelerated process is introduced, it may be more appropriate to guarantee to process the application within the statutory timeframes (i.e. 16 weeks) rather than an accelerated process.

Question 4. Do you agree with the proposed exclusions from the Accelerated Planning Service – applications subject to Habitat Regulations Assessment, within the curtilage or area of listed buildings and other designated heritage assets, Scheduled Monuments and World Heritage Sites, and applications for retrospective development or minerals and waste development?

The County Council agrees with the list of application types excluded from the accelerated planning service, particularly minerals and waste development. The list should also be extended to include any application that requires agreement and/or material inputs from third party consultees to complete (i.e., actions that are outside the scope of the planning authority to directly control / deliver (including s106 / legal agreements, referrals)) and proposals affecting “non-designated heritage assets of archaeological interest of equivalent significance to Scheduled Monuments.

Question 5. Do you agree that the Accelerated Planning Service should:

- a) have an accelerated 10-week statutory time limit for the determination of eligible applications**
- b) encourage pre-application engagement**
- c) encourage notification of statutory consultees before the application is made**

- a) No, the complexity of issues raised during the planning application process and community and stakeholder expectations do not lend themselves to a 10 week determination period. The difficulties planning authorities have in meeting the current statutory requirements of 8 and 13 weeks and the necessary use of extension of time requests illustrates the complexity of planning matters to be addressed. With retention and recruitment of experienced planning officers within the public sector at an all-time low, particularly those with mineral and waste experience, the reduction in processing time is counterproductive in accelerating planning decisions that will deliver high quality development on the ground. If a timescale is to be set, the 13 and 16 week timescale would be more appropriate.
- b) If an accelerated system is introduced, then chargeable pre-application engagement should be made mandatory. Where that advice is not followed, then the accelerated service should not be an option. The pre-application should include securing the advice of key consultees. If an accelerated timeframe is going to be practicable for major development, the application process will need to be more like the consideration of a Development Consent Order (DCO) (i.e., all key matters explored prior to the submission of an application).
- c) The notification of statutory consultees is unlikely to secure timely advice to achieve the 10-week determination periods. As referred to above, pre-application advice will be necessary from key consultees, and applicants will be required to follow the advice in any fast tracked application. At present, statutory consultees typically don't have the resources to comment on the volume of existing applications and often are delayed in responding or delayed in indicating they don't have the resource to comment. In our experience they rarely engage in pre-app discussions, unless costs are recoverable, and they have staff available to accommodate a request.

Question 6. Do you consider that the fee for Accelerated Planning Service applications should be a percentage uplift on the existing planning application fee?

The fee for an accelerated service should be set at cost recovery. We recommend DLUHC establish the number of hours of officer time an average major application requires to determine, including administration and legal time / costs to benchmark an appropriate cost. This work will illustrate the cost to the local authority of determining, administering, monitoring and enforcement existing development proposals.

Question 7. Do you consider that the refund of the planning fee should be:

- a. the whole fee at 10 weeks if the 10-week timeline is not met
- b. the premium part of the fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks

- c. 50% of the whole fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks**
- d. none of the above (please specify an alternative option)**
- e. don't know**

Returning all (or significant amounts of the fee) would increase the likelihood of applications being refused on the basis of insufficient information due to time restraints being imposed. However, if it is to be implemented, we propose that the premium paid be returned at 13 weeks and the remainder should the determination period go beyond an agreed extension of time. However, it is important that any delays outside of the planning authority's control (e.g. an applicant delaying the signing of a s106 post committee resolution or a referral to the Secretary of State) does not trigger the return of the fee. A key element of any new system needs to incorporate a mechanism which prevents the return of fees where the delay is not caused by the planning authority.

Question 8. Do you have views about how statutory consultees can best support the Accelerated Planning Service?

For the accelerated planning system to be effective, adequate resources will need to be available to the statutory consultees. This is not currently the case, with key consultees struggling to respond in detail to a consultation within the current timescales. Charging a fee to cover the cost of responding so that the services are adequately resourced would assist the process. The monitoring and performance reporting of consultees may also assist.

Question 9. Do you consider that the Accelerated Planning Service could be extended to:

- a. major infrastructure development**
- b. major residential development**
- c. any other development**

If yes to any of the above, what do you consider would be an appropriate accelerated time limit?

Any major development could reasonably be subject to a premium and standard service, subject to the major considerations being adequately raised and addressed at pre-application stage and no (or limited) negotiations or changes to the application during the application process. Without this, the accelerated process will likely result in faster decisions, but will not deliver much needed development on the ground more quickly. Development that could have been made acceptable with negotiation and revised information (and subsequent consultation) will be refused. This will lead to an increase in appeals, on an already stretched Planning Inspectorate, repeat applications, and slower decisions on other types of development proposals as resources are prioritised to those falling within the accelerated regime.

It is also considered that the gradual shift towards including further development types into a 10 week decision period whilst tightening extension of time ability and stricter performance measures for speed may lead to all round frustration and dissatisfaction with the system, rather than improvement.

Question 10. Do you prefer:

- a. the discretionary option (which provides a choice for applicants between an Accelerated Planning Service or a standard planning application route)**
- b. the mandatory option (which provides a single Accelerated Planning Service for all applications within a given definition)**
- c. neither**
- d. don't know**

Should an Accelerated Planning Service be implemented, it should be a discretionary and charged for option for the applicant to choose.

Question 11. In addition to a planning statement, is there any other additional statutory information you think should be provided by an applicant in order to opt-in to a discretionary Accelerated Planning Service?

Should an accelerated system be introduced, the following should be addressed/ provided by the applicant and tested as part of the validation process:

- a) Pre-application engagement should be made mandatory, including with statutory consultees with information provided as part of the application. The failure to follow the pre-application advice should prevent an applicant from being eligible for the accelerated service.
- b) All information required by national and local list, agreed in advance in writing by the planning authority.
- c) A full suite of information on BNG, including draft Net Gain Plan and where necessary a draft legal agreement to secure the implementation of the plan and its delivery for 30 years.
- d) If a s106 is required, the application needs to include a draft agreement and agreement to cover abortive legal costs, so that the legal process can be progressed in tandem with the application. The planning authority should not be penalised if a legal agreement delays the process due to delays by the applicants or third-party legal teams. Strict timeframes for negotiations and completion of legal agreements would be necessary.

Consideration should be given as to whether the premium service should operate more aligned to the DCO process in terms of information prepared in advance of an application.

DLUHC should also consider whether the service should allow the applicant to submit further supporting information once the application is valid and at what stage this is acceptable. Where the submission of further supporting information is allowed, this needs to be no later than a specific period in the timeframes so that it allows scope for the Authority to re-consult as necessary within the 10 week timeframe and not be penalised as a result.

In practice, if a 10 week decision is to be made, there is very little scope in the timescale for an application to be amended or new material submitted. Consideration should therefore be given to a requirement on the applicant to prepare and submit further supporting information within a set period of a request (say 2 weeks max.), otherwise the fee returns process needs to take account of any delays caused by the applicant.

The consultation references the possibility of 'stopping the clock' when further supporting information is required. Officers are unaware of the legislation that would enable this to happen and asks DLUHC expands on this proposal in guidance.

An approach that enables the 'clock to stop' would only work if there is still time left in the original timeframe for the authority to consider (and re-consult) on any further details submitted (i.e., the clock could only reasonably be stopped within the first few weeks of the application process, otherwise there would be insufficient time remaining). Our recommendation would be that as a minimum, additional time needs to be added to the target timeframes, or realistically the clock should be reset. This should be the case for all applications including those outside any accelerated service or the subject of an appeal. A material change to the application or the supporting information means that the authority (or an inspector) is being asked to consider a different application that could reasonably result in a different outcome. The Council considers that it is important to engage positively and proactively with applicants to deliver high quality development, to negotiate over applications and for additional information to be received and considered, however authorities should not be penalised in terms of reputation or financially for doing so.

Question 12. Do you agree with the introduction of a new performance measure for speed of decision-making for major and non-major applications based on the proportion of decisions made within the statutory time limit only?

No – There are a number of concerns with the suggested approach.

The focus on delays and the suggestion that this is principally due to planning authorities, assumes incorrectly that applications when received are fit for purpose in the first instance every time. Even with local validation lists in place, it is difficult to establish the quality of a submission and be satisfied that the application addresses the detail required for determination (for example a poor-quality flood risk assessment or noise survey means either an application is refused or the timeframes are extended to allow for redrafts).

The proposed performance indicator focuses on the speed of a decision not the quality. In our experience, whilst there can be delays due to officer resources, administration, or committee cycles, the key reason is the need to negotiate with the applicant over material considerations raised by statutory consultees, as a result of public opinion or due to poor quality applications and reports. This is particularly relevant where an applicant needs to carry out further supporting assessments to address material matters raised. The new performance measures and guidance could usefully address this matter and provide guidance on how this should be addressed within the measures proposed without the need to refuse an application due to insufficient information.

The proposed performance measure would not reflect the complexity of many planning applications, committee and governance processes. Similarly, it does not reflect the willingness of mineral and waste applicants to work with planning authorities to address issues raised through the planning process with an agreed use of time extensions to secure a positive outcome and 'good growth'. The use of extension of time agreements are not a tool to mask inefficient planning authorities, but an effective and constructive mechanism to enable applicant and planning authority to resolve issues raised by the planning process, particularly consultees and local community concerns, without the need for resubmitted applications and appeals.

In practice, the relatively small number of mineral and waste development decisions taken by a county planning authority means that a performance measure based on the proportion of decisions made within the statutory time limit (13 or 16 week or both) only would be a poor measure. If a county planning authority has a small number of applications in a 12 month period that do not achieve a statutory timescale because they have agreed an extension of time, they will have a performance issue and be at risk of designation.

As a consequence, the performance measures as proposed are likely to lead to greater rates of refusals requiring applicants to resubmit amended applications, which creates delays, or an increase in the rate of appeal.

In developing new performance measures, these could usefully take into account the quality of the assessment and decision. We consider that the data captured on performance should include whether an authority engaged positively with the applicant and enabled the applicant to amend / amplify the application documents in response to concerns and objections raised, leading to a more thorough consideration of an application, a better quality decision and as a result, avoiding a refusal due to insufficient information, an appeal (which diverts resources away from the determination of applications) or the need for revised applications. DLUHC could reasonably seek to capture more information on the decision process and the reason for delays – for example were there minor / material / or significant changes to the application or supporting documents?

Question 13. Do you agree with the proposed performance thresholds for assessing the proportion of decisions made within the statutory time limit (50% or more for major applications and 60% or more for non-major applications)?

The County Council does not agree with the proposal. A measure of 50% is set too high, and is not likely to improve speed any further than is currently the case. It is also not likely to improve quality.

The preamble to the question notes that only 1% of local planning authorities determine 60% or more of major applications within the statutory 13- or 16-week time limits, with the average indicated at approximately 28 weeks. It is recommended that further work is carried out to establish why applications take longer to process before imposing restricted timeframes. If the target is faster decisions, consideration should be given to changing the system to ease the burden on the planning system to make decision making more straightforward. The system is required to balance an expanding and increasingly demanding range of expectations, and this takes time, and requires adequate supporting information and resources to consider thoroughly. Without changes to the decision-making process, the outcome is likely to be increased rates of refusal (because outstanding matters cannot be resolved in the time available or stronger local list requirements resulting in more applications being returned as invalid – both of which are likely to result in delays).

Question 14. Do you consider that the designation decisions in relation to performance for speed of decision-making should be made based on:

- a) the new criteria only – i.e. the proportion of decisions made within the statutory time limit; or
- b) both the current criteria (proportion of applications determined within the statutory time limit or an agreed extended time period) and the new criteria (proportion of decisions made within the statutory time limit) with a local planning authority at risk of designation if they do not meet the threshold for either or both criteria
- c) neither of the above
- d) don't know

Please give your reasons

None of the above. Whilst a timely decision is relevant, a quality decision is more important than speed. The Council considers that an 'agreed delay' to try resolve matters during the planning application is time well spent if it results in the right decision, avoiding delays and costs (to all) through the appeals process or the need to resubmit an application. It is right that there should be a cut off where an authority has allowed enough time for an applicant to address matters arising, however strict timeframes appear counterproductive and will put further pressure on an under resourced and stretched planning authorities.

In relation to county matter (mineral and waste) development, it is noted there are too few county matter applications to measure effectively on speed, whilst at the same time also reducing the ability to request an extension of time, without adversely affecting quality measures. The impact of having a lower number of decisions is recognised elsewhere in the consultation in respect of not amending the quality measure, (paragraph 48) and therefore this should also be recognised in respect of speed measure for county matter development.

Question 15. Do you agree that the performance of local planning authorities for speed of decision-making should be measured across a 12-month period?

No – 12 months is considered too short a period to measure for mineral and waste development where there are relatively fewer numbers of applications. For these developments, the performance measure is more easily skewed by smaller numbers of delayed applications, which could be a minor issue rather than an indication of a particular problem within the authority's decision making process. If 12 months is used, the Minister's discretion to take into account exceptional circumstances that a planning authority can justify should remain and there should be an opportunity to address any issues identified over the following six months.

Question 16. Do you agree with the proposed transitional arrangements for the new measure for assessing speed of decision-making performance?

A transition period would be required should the new measure for assessing performance be introduced. A start date from 1 October 2024 gives insufficient preparation time for implementation.

Question 17. Do you agree that the measure and thresholds for assessing quality of decision-making performance should stay the same?

There should be no change for 'county matter' proposals, because of the relatively small number of applications involved and the complexity of proposals. A change to the measure in relation to speed may have an adverse impact to quality for such applications and perversely a delay in the delivery of important infrastructure if there are a greater increase in refusals and appeals as a result.

Prior to making revisions to the performance regime, consideration should be given to changes to the planning system that assist planning authorities to consider applications at a faster pace. These measures could include: increasing and ring fencing planning authority resources (the recent fee increase does not go far enough to make a material change); a requirement for chargeable pre-application discussions; clear national criteria for validation and information required to determine an application; changes to consultations and engagement process; clearer guidance on balancing competing economic, social and environmental factors; and a simplified appeals process for all applications (without the opportunity for the applicant

to submit further supporting information post determination by the planning authority).

Question 18. Do you agree with the proposal to remove the ability to use extension of time agreements for householder applications?

The County Council is not responsible for householder applications and makes no comment on this aspect.

Question 19. What is your view on the use of repeat extension of time agreements for the same application? Is this something that should be prohibited?

As indicated in the preamble to this question, extensions of time are an important tool in making good quality decisions and speeding up the planning system that would otherwise risk being 'clogged up' with repeat applications or costly and time-consuming appeals. The use of repeat extension of time requests for an application should not be prohibited, particularly where a planning issue is potentially resolvable. It is noted that an initial time extension could be agreed based on the planning authority expecting the receipt of additional information in a reasonable time period and to address the concerns raised by the consultation and engagement process. It is not uncommon for those expectations not to be met, and without the ability to agree a further extension of time, the planning authority would be penalised if it were to go back to the applicant for further clarification or doesn't receive the information on time. If the ability to request more than one extension of time is removed, it will likely lead to requests to agree a longer period at the outset, resulting in frustration in the system and an increase of withdrawn and repeat applications, refusals and appeals. None of these will achieve an accelerated planning system and quicker development being delivered.

Should planning authorities be restricted to one extension of time request, an alternative proposal where an applicant can seek an extension of time from the planning authority without an impact upon performance targets, should be considered. This would have the advantage of providing the time to address issues arisen through the planning process and deliver quality decisions in the swiftest possible time.

In addition, as part of any revised performance process, appellants should not have the opportunity to submit information at appeal that was outstanding when their application was refused on the grounds of a lack of information because a time extension could not be sought. A mechanism to address this is required in any new regime as it could have consequences for the quality performance requirements.

Question 20. Do you agree with the proposals for the simplified written representation appeal route?

Yes – whilst it is not clear if this would relate to 'county matter' development, this proposal has the potential to be a meaningful change that could

significantly speed up the decision process and would serve to focus an applicant's attention on providing sufficient / quality information with an application. This approach could reasonably be extended to the majority of appeals, with further hearings and opportunities to submit further information only available after an inspector has made a decision on the information available to the planning authority when the application was determined. This would reduce costs for all and would enable inspectors to progress appeals at a swifter pace. An award of costs and a poor performance mark for a planning authority is only reasonable if the inspector's decision is made on the same set of documents available to the planning authority when it made its decision. Any changes to these documents or further expert advice / submissions is a different proposal on which an authority could reasonably have made a different decision.

Question 21. Do you agree with the types of appeals that are proposed for inclusion through the simplified written representation appeal route? If not, which types of appeals should be excluded from the simplified written representation appeal route?

In part - as indicated above, there is scope to extend the approach to the majority of appeals as a faster pace approach to the decision process, with hearings limited to special circumstances or situations where an inspector agrees with a refusal (should an applicant wish to pursue the appeal process further).

Question 22. Are there any other types of appeals which should be included in a simplified written representation appeal route?

No.

Question 23. Would you raise any concern about removing the ability for additional representations, including those of third parties, to be made during the appeal stage on cases that would follow the simplified written representations procedure?

No – see comments above. The County Council considers that the inspector should take any decision based on the information available to the planning authority at the time of its decision. This should be limited to information that the authority has had time to publicise and consult on to avoid situations where an applicant submits significant and material information late in the process with a future appeal in mind.

Simplified written representations should be the first stage of the appeal process. In deciding on the simplified process an inspector could reasonably indicate whether there is likely to be scope for a hearing or whether the applicant should consider reapplying or not.

Question 24. Do you agree that there should be an option for written representation appeals to be determined under the current (non-

simplified) process in cases where the Planning Inspectorate considers that the simplified process is not appropriate?

Yes – but only in exceptional circumstances. Where new information is introduced, there should be no risk of costs to the authority and depending on the nature of the additional information introduced, the authority should be able to recoup additional costs incurred. Limitations on the scope for inspectors to call a hearing would speed up decisions and provide more confidence in timeframes of an appeal.

Question 25. Do you agree that the existing time limits for lodging appeals should remain as they currently are, should the proposed simplified procedure for determining written representation planning appeals be introduced?

Yes – although the timeframes could reasonably be reduced as there would be no need for either party to prepare and submit further information.

Question 26. Do you agree that guidance should encourage clearer descriptors of development for planning permissions and section 73B to become the route to make general variations to planning permissions (rather than section 73)?

Yes – There is support for the flexibility afforded to applicants and planning authorities to vary permissions in the right circumstances and 73B would provide further flexibility. However, as a County Planning Authority managing minerals and waste development that often remain operational for extended periods (some for decades), the section 73 process is well used by site operators and often for changes that are considered as significant by the local community and raise multiple planning considerations. The fees secured for section 73s on major applications for any changes (minor or significant) do not reflect the cost of determining these applications, falling far short of the planning fee. Depending on the change sought applications can lead to consideration of significant matters – for example changes to depth or extent of working to a quarry or landfill, changes to throughput, numbers of HGVs, on site processing and significant new equipment / development. The introduction of 73B could usefully address this through a definition or upper limit on 'not substantially different' and/or introducing a sliding fee scale based on the nature of the changes being sought.

Question 27. Do you have any further comments on the scope of the guidance?

The guidance indicates that s73B can only be used to vary the original permission, which cannot be a section 73, section 73A or other section 73B permission, or permission granted by development order. In our experience s73 applications are often used to vary earlier s73 variations, this enables multiple changes and for the latest permission to encompass these changes without uncertainty over which permission is being implemented. If the

proposal is to change this provision it should be considered further to ascertain whether this could have unintended consequences.

As advised above, clear guidance on 'substantially different' should be provided.

Question 28. Do you agree with the proposed approach for the procedural arrangements for a section 73B application?

Yes – however the planning fee should reflect the scale and nature of the change proposed and the scale of the original permission.

Question 29. Do you agree that the application fee for a section 73B application should be the same as the fee for a section 73 application?

Yes, the fee for a section 73 and 73B application should be the same as each other. It should however be noted that for current section 73 applications for mineral and waste the fee is not sufficient and is heavily subsidised by the local authority. See response to Question 31 below. Given the wider and well documented pressures on local authority financing, this cross subsidy is becoming intolerable for a local authority to be able to bear.

Question 30. Do you agree with the proposal for a 3 band application fee structure for section 73 and 73B applications?

Yes, but as advised above, the costs proposed are too low and are not set at a level that reflects the work involved.

Question 31. What should be the fee for section 73 and 73B applications for major development (providing evidence where possible)?

The fee for these types of applications needs to be a fair reflection of the work involved and set at a level so that costs do not fall disproportionately upon the local authority. Despite the recent welcome fee increases, the planning application fee is currently set too low for changes to mineral and waste development. Mineral and waste permissions are often operational for decades and can be subject to a number of significant changes over that period, resulting in multiple s73 applications and associated decisions. Any change to a permission requires the reissue of the base permission, which necessitates a review of all the conditions irrespective of whether they are being varied, to ensure they are still relevant and up to date. For example, it would be unreasonable to issue a s73 decision with (earlier) pre-commencement conditions if these matters have been addressed. The authority regularly spends time working through major decisions that can reasonably have over 50 plus-conditions.

Section 73 applications can be used to seek permission for a wide range of changes including the type and volume of waste streams, changes in processing and operations and changes in operating hours. Typically they bring previously non considered aspects of a development closer to

environmental constraints and communities which need detailed consideration to test the planning merits. Often, the base permissions will have been EIA development, which will need to be considered as part of any s73 determination.

Material changes to a mineral and waste management development, can require significant consultations, publicity and engagement, including seeking advice from technical consultees at cost to the authority where that expertise is not available in house (such as noise, air quality, geotechnical, landscape advice). Similarly there are legal costs associated with s106 agreements. These applications can require resources similar to those required to consider a fresh application for a new development, when addressing local community objections, negotiation on matters raised, Member involvement, the preparation of a detailed committee report and the drafting of decision notices. Whilst there is scope for minor changes to be covered by a lower fee, at present the s73 process costs the planning authority a significant sum to deliver, which diverts resources available from other parts of the function. For example, the current fee just covers the administration costs of the application. It does not cover costs for consulting on the proposals, attending site, assessing, reporting, or preparing a decision. As you are aware, the current fee for a s73 application is £293.

The following typical examples illustrate the concerns raised:

A simple s73 application to vary two conditions to amend the layout of a waste recovery facility. The planning fee was £234. Following registration and validation, officers consulted 12 consultees and due to the submission of revised information, undertook a second round of consultation with these 12 parties. We received 11 responses to consultation. On this occasion, no comments were received from the local community. All mineral and waste development is major development for the purposes of a statutory press advert, which costs in this instance £20. Due to the nature of the proposed changes, additional technical advice accompanied the application and the County Council incurred £3367 fees seeking advice from its technical advisors on this element of the application. The site was less than 10 miles from the council offices (not typically the case), so mileage cost associated with the site visit was £6. The application was determined under delegated powers, so no committee costs other than an entry to a delegated list at a future committee for governance purposes. Assuming an average hourly rate of £65 (which takes account of the time of a range of officers involved in the process including administration, case officer, supervision and sign off), and a conservative estimate of 25 hours of officer resource of £1625, then the processing of this application cost £5018 some £4784 more than the planning application fee.

Example 2: A s73 application to amend a condition to regularise minor changes to the layout of a waste digester facility and to seek permission for the installation of a biogas storage. The planning fee was £234. Following registration and validation, officers consulted 10 consultees and due to the submission of revised information, undertook a second round of consultation

with these parties. We received 8 responses to consultation. The advert cost was £18 and mileage costs to visit the site were £18. Due to the nature of the proposed changes, the County Council incurred £1269 fees seeking advice from its technical advisors on this element of the application. The application was determined under delegated powers, so no committee costs other than an entry to a delegated list at a future committee for governance purposes. Assuming an average hourly rate of £65 (which takes account of the time of a range of officers involved in the process including administration, case officer, supervision and sign off), and a conservative estimate of 25 hours of officer resource of £1625, then the processing of this application cost £2930, some £2696 more than the planning application fee.

Whilst the principle of mineral or waste use has been established at a site, s73 applications can be as contentious as the original planning applications. They can attract considerable objection and where the base permission had a legal agreement, this will usually need to be revised as part of any new s73 consent. Significant officer time is required to process these applications. In these cases, the processing costs illustrated above are substantially increased as the planning authority seeks to work positively and proactively with an applicant and to those raising concerns to try and achieve an acceptable development. Unresolved material objections result in a committee decision an extensive committee report and the costs of governance processes.

In practice, the current s73 planning fee covers the administrative costs associated with a typical application, but does not address the costs incurred by planning officers associated with assessing the merits of a proposal and the committee and decision making process. In addition, it does not recognise that local planning authorities do not have in house technical resources for specialist areas of expertise required by proposals and that these have to be externally sourced and funded for each application. It is therefore recommended that a new fee is set for mineral and waste management development that more realistically reflects the costs incurred. This could either be on a sliding scale or as a proportion of the original planning application fee, say 50%

Question 32. Do you agree with this approach for section 73B permissions in relation to Community Infrastructure Levy?

Yes

Question 33. Can you provide evidence about the use of the 'drop in' permissions and the extent the Hillside judgment has affected development?

No

Question 34. To what extent could the use of section 73B provide an alternative to the use of drop in permissions?

No comment

Question 35. If section 73B cannot address all circumstances, do you have views about the use of a general development order to deal with overlapping permissions related to large scale development granted through outline planning permission?

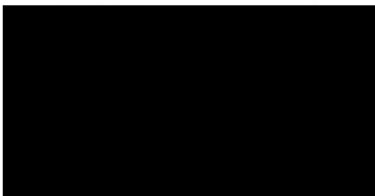
Don't know – there could reasonably be scope for more clarity on the use of drop in permissions. This could include a requirement for the applicant to address how the new application would work with all earlier extant consents and identify which are not compatible, providing a commitment not to implement in tandem that could be conditioned or subject to a legal agreement.

Question 36. Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

No comment

I trust that the above is helpful. If you have any queries, please do not hesitate to contact me.

Yours sincerely



Simon Jones
Corporate Director - Growth, Environment and Transport

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& Transport**

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BY EMAIL ONLY

24 May 2024

Dear Sir/Madam,

Re: Canterbury City Council Local Plan Regulation 18 Consultation

Thank you for consulting Kent County Council on Canterbury City Council Local Plan Regulation 18 Consultation.

The County Council has reviewed the documentation and has provided comments in full in the document attached.

I trust this provides our initial views on the Canterbury Local Plan and the County Council would welcome continued engagement as the Local 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

**Canterbury Local Plan Regulation 18 Consultation.
Kent County Council Response (May 2024)**

Policy/Paragraph	Commentary
	<p>Kent County Council (hereafter referred to as the County Council) appreciates the engagement to date with the City Council in the preparation of this draft Local Plan. The County Council provides detailed commentary within this response and looks to continue to work positively moving forward as this local plan progresses.</p> <p>The County Council welcomes acknowledgement within this Local Plan consultation document of the need to provide additional infrastructure to support the delivery of new housing. The County Council is committed to continuing to work with the City Council and other key stakeholders to ensure that sustainable growth is delivered to meet the identified housing need, supported by necessary infrastructure – that is planned for, funded and delivered in a timely manner. The County Council is therefore supportive of a Local Plan and policy drafting which highlights the need for infrastructure to be delivered ahead of development commencement and would welcome continued joint working to secure this through the Local Plan. The County Council recognises that significant levels of infrastructure will be required to ensure growth as proposed in this Local Plan will be viable and requests continued engagement with the City Council to ensure that adequate levels of funding can be secured to support the timely delivery of infrastructure.</p> <p>The County Council has provided detailed commentary in respect of the proposed policies throughout this response and would welcome continued engagement to resolve matters raised ahead of the Regulation 19 consultation and support the delivery of the Local Plan. However, traffic modelling outputs remain outstanding and these need to be completed in order for the County Council to fully understand the impact of proposals and how effective the transport measures are likely to be, and what residual congestion might be expected. The County Council would urge that details and outputs of the modelling are shared with the Local Highway Authority as soon as possible to ensure appropriate measures are incorporated into the Local Plan. Furthermore, the County Council notes the aspirations for a considerable modal shift through the implementation of measures as proposed through this Plan and highlights that without the modelling, it is not possible to be satisfied as to whether the proposals are likely to be effective.</p> <p>To deliver sustainable development within Canterbury, close working and a collaborative approach with all key stakeholders will be crucial – taking in to account all necessary infrastructure and services required to deliver robust and resilient communities during the plan period and beyond, whilst also considering any cross boundary, strategic implications of growth.</p> <p>The County Council recognises that the City Council has adopted the Community Infrastructure Levy (CIL) and wishes to work collaboratively to ensure that infrastructure is funded appropriately and adequately. The County Council has been vocal in its concerns with the CIL, the processes to secure contributions and whether this mechanism is able to secure the necessary contributions to deliver necessary infrastructure. The County Council recognises that governance for administration of the CIL is currently being established and would welcome a clear role in the process to ensure required funding is secured to deliver necessary infrastructure to support proposed growth through this Local Plan and would welcome continued engagement on this matter.</p> <p>As the Local Plan progresses, the County Council would value timely engagement in the shaping and inputting, as appropriate, into the draft Statement of Common Ground to ensure that all cross-boundary and strategic matters are properly and clearly addressed.</p>
<p>1. <u>Spatial Strategy for the district</u></p>	
<p>General Comments</p>	<p><u>Public Rights of Way (PRoW)</u></p> <p>The County Council notes that individual site policies typically include a plan showing suggested 'opportunities' for improved walking and cycling, including greenways, and access connections. In all instances, the County Council expects to review site proposals and the specific 'opportunities' as they come forward at pre-application stages and may thereafter propose revision based on its understanding of local need. The County Council would therefore welcome engagement with applicants as masterplans are prepared at pre-application stages.</p> <p>The County Council is keen to engage with the City Council to ensure the establishment of principles and the provision of accessible routes, including those which may not necessarily be PRoW – this is in line with the County Council's goal of ensuring a high quality of life for residents and visitors.</p> <p><u>Minerals and Waste</u></p> <p>The County Council, as Minerals and Waste Planning Authority is of the view that very limited land-won safeguarded minerals are affected by the plan's identified areas for future development. Where there are such minerals, the draft Plan makes clear that any development proposals that may have a potentially sterilising impact on land-won safeguarded minerals will have to be assessed. The County Council would recommend the addition of a reference to Policy DM 7: Safeguarding Mineral Resources and the necessity of addressing any exemption criteria if a prior extraction of the safeguarded minerals is considered impractical, unviable etc. The City Council should also be aware that the Brickearth (Other Areas) – Ashford, Canterbury, Dover, Folkestone and Hythe is being proposed to be removed from the Canterbury City Council – Mineral Safeguarding Areas proposal map of the Kent Minerals and Waste Local Plan Full Review 2024-39. If this modification is indeed adopted, much of the safeguarded mineral coverage of the area will be removed. This will alleviate much of this constraint from this local Plan's area and many of its proposed allocations.</p> <p>In terms of safeguarded waste and mineral facilities, the main concern is that the mineral importation wharf at Whitstable Harbour is not compromised in terms of its continued lawful viable operation. The draft Local Plan proposes a Whitstable Harbour Strategic Plan, where mineral importation will be sensitively integrated into this plan. The relevant policy (Policy W2) proposes a Supplementary Planning Document (SPD) to be produced that will set out the details of the area's future development. It is recommended that the County Council is engaged and consulted with early on in the process, prior to any formal consultation on the SPD.</p>

Policy/Paragraph	Commentary
<p>Vision for the district to 2040</p> <p>Strategic objectives for the district</p>	<p><u>Highways and Transportation</u></p> <p><i>Vision for the district to 2040</i> – The four headline objectives listed in the Vision are supported, and in particular the aims under the title “Improved connectivity”, which seeks to provide high-quality public transport infrastructure together with comprehensive walking and cycling routes. This is aligned with regional and national policy to promote mode shift. However, it is considered that recognition of other highway improvements to mitigate congestion on the highway network should also be given.</p> <p><i>Strategic Objectives for the District</i> – It is noted that the reference to most residents accessing their day to day needs within 15 minutes of their home and/or workplace has been omitted from the current draft of local transport objectives in this section of the document. It is therefore not clear whether the latest draft seeks a more ambitious target or less than that. Investment in pedestrian and cycle links within the existing urban areas, and through provision within developments themselves planned in and around these areas will be key to achieving the shift towards healthy journeys. Excellent access to city and town centres would focus on walking, cycling and public transport, but the latter mode will not be realised where congestion on the local highway network would also affect the movement of buses. The capacity of the highway network will also need to consider general traffic in order that congestion is kept within acceptable levels.</p> <p><u>PRoW</u></p> <p>The County Council is supportive of the references to walking and cycling, high quality open space, connections for all within and between communities, and the benefits of low-carbon travel that exemplifies the value of and reasons for providing a high-quality ProW network. Overall, in respect of ProW matters, the County Council is supportive of the draft Local Plan’s Vision and Strategic Objectives. Commentary on this draft Local Plan is focused on ensuring that the ProW network positively contributes to Canterbury’s future wellbeing.</p> <p><u>Heritage Conservation</u></p> <p>The County Council is disappointed to see that “an enhanced historic...environment” has been removed as a goal for the Vision since the previous consultation and the County Council would request that it be reintroduced. Canterbury’s exceptional historic environment is one of its greatest assets and it is essential that it is conserved, enhanced and respected if the new growth is to be embedded successfully into the urban centre. The County Council notes the vision statement that “<i>Investment in the city, our coastal towns and the rural areas will ensure the district’s historic and natural environment can thrive,</i>” however there is no guarantee through the proposed policies that it will. The previous consultation document included a commitment to enhancing the historic environment – this was considered to be much stronger than the current wording now proposed. Heritage can also play a key role in creating a thriving environment, the County Council would therefore suggest the text be modified to “<i>Our important <u>and historic</u> habitats and landscape.</i>”</p> <p>The County Council is supportive of the strategic objective of “<i>Capitalise on our rich and distinctive heritage and culture, enhancing character, sense of place and quality of life, supporting tourism and the local economy for our residents, visitors and businesses.</i>” Canterbury’s heritage is essential to a wide range of aspects of life in the district and it appropriate that a strategic objective be focused on it.</p>
<p>Environmental strategy for the district</p>	<p><u>Heritage Conservation</u></p> <p><i>Paragraph 1.26</i></p> <p>The County Council welcomes the strong commitment to the enhancement of the historic environment in this section.</p> <p><i>Paragraph 1.27</i></p> <p>The County Council welcomes references made to the Heritage Strategy, and particularly the delivery plans which will need to be fully resourced if they are to be delivered.</p>
<p>Policy SS1 – Environmental strategy for the district</p>	<p><u>Highways and Transportation</u></p>

**Canterbury Local Plan Regulation 18 Consultation.
Kent County Council Response (May 2024)**

Policy/Paragraph	Commentary
	<p>The policy requires new developments of 300 homes or more to incorporate a minimum of 20% tree coverage across the site. As the adoptable highway must be lit to specific illuminance levels and uniformity to gain technical approval, which can be impacted by the location of trees, the lighting design and calculations should be carried in coordination with the design of the soft landscaping layout. The County Council ask that this is carried out at an early stage to ensure compatibility. The County Council would ask that the adoptable highway be lit to specific illuminance levels and uniformity to gain technical approval, and ask that it is noted that the trees will impact the spread of that light. Unless the lighting design and calculations are carried at an early stage in coordination with the soft landscaping layout, it may not be possible to place trees at every position that was originally intended. The County Council would therefore ask that this is considered at an early stage.</p> <p><u>Heritage Conservation</u></p> <p>In respect of Clause 2, the County Council would draw attention to the commentary raised in respect of the Draft Canterbury District Open Spaces Strategy</p> <p>In respect of Clause 4, the County Council welcomes reference to policy DS26 – Historic environment and archaeology referred to in the Environmental Strategy. The County Council has provided commentary in respect of policy DS26 within this response.</p>
<p>Sustainable design strategy for the district</p>	<p><u>Heritage Conservation</u></p> <p>The County Council welcomes the prominence given to Canterbury's outstanding historic environment in paragraph 1.28, and the recognition both of the important role it can play and the fragility of the resource. As the text notes, high quality design is central to the conservation of the resource and to exploiting its benefits.</p> <p><i>Paragraph 1.29</i></p> <p>The historic environment has a significant role to play in the conservation of resources required for development, and also 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). The County Council would ask that this is highlighted in the text which at present rather suggests the burden of making housing energy efficient must only be borne by new buildings.</p> <p><i>Paragraphs 1.30-1.32</i></p> <p>Connectivity of new development to existing areas can be supported by careful appreciation of the historic patterns of tracks and routeways that is provided by Historic Landscape Characterisation – the County Council has provided detailed commentary in respect of Landscape Character further within this response.</p>
<p>Policy SS2 - Sustainable design strategy for the district</p>	<p><u>Highways and Transportation</u></p> <p>New communities of more than 300 homes are proposed to contain community hubs to reduce the need to travel for day-to-day services. This is welcomed to support active travel and reduced car use, although it is questionable whether this scale of development will be able to generate sufficient demand to ensure the long-term viability of the expected facilities given challenges at other sites, such as Great East Hall in Sittingbourne and Thistle Hill, Sheppey. Transport Assessments for these developments will need to ensure robust trip rates are used in case the hubs are not sustainable.</p> <p><u>Heritage Conservation</u></p> <p>The County Council welcomes clause 2 which provides a firm commitment to Canterbury's built heritage and to its integration into areas of new build.</p>
<p>Policy SS3 – Development Strategy for the District</p>	<p><u>Highways and Transportation</u></p> <p>The general approach identified in the policy is supported, with Canterbury being the principal focus area for development in the District, and Whitstable and Herne Bay being the secondary focus. These areas of development provide the greatest opportunity to deliver strategic infrastructure to support the growth proposed here.</p>

Policy/Paragraph	Commentary
<p>Policy SS4 - Movement and Transportation Strategy for the district</p>	<p><u>Highways and Transportation</u></p> <p>The goal of the movement strategy is supported in its aim to make the city centre highly accessible by public transport and active travel. However, to allow the reallocation of road space to active travel and public transport without creating unacceptable levels of congestion on the highway network, traffic will need to be adequately discouraged from being drawn into the city centre. The strategy only mentions a reduction in capacity at some city centre car parks to reduce congestion on the ring road, but it is likely that wholesale removal of public car parking will be needed to disincentivise motorists from still entering the area in search of a parking space. Greater emphasis on removing the vehicle attractors is therefore required.</p> <p>The outputs from traffic modelling to assess the impact of the proposed strategy have yet to be completed. The County Council will need to review the modelling when it becomes available before it is able to accept the strategy and measures proposed, and will continue to work with the LPA in order to develop the modelling evidence.</p> <p>Reference to the upgrades at the A2 junction at Harbledown and at Rough Common Road has been listed as a sub-paragraph within the Key Infrastructure under the bus-led strategy paragraph 2, together with a number of other measures and infrastructure that are not necessarily associated with the bus-led strategy. These items may be better listed separately from the public transport items for clarity. Furthermore, the description of upgrades is quite ambiguous and this should specify the anticipated form of upgrade to include new east facing on and off slips. In addition, paragraph 3 only describes new A299 access at Whitstable. It is considered that this could be more precisely detailed as eastbound on and off slips at Chestfield, and be included in the list of key infrastructure requirements.</p> <p><u>PRoW</u></p> <p>The County Council recommends the following amendments to ensure consideration of the PRoW network:</p> <p>Point 2(b) - <i>“The delivery of a comprehensive city-wide network of segregated cycle lanes and cycle parking infrastructure, <u>together with an enhanced PROW network</u>, with links to the coast and rural areas”</i></p> <p>Point 3 - <i>“The delivery of a coastal network of segregated cycle lanes and cycle parking infrastructure <u>and enhanced PROW network</u> will support an increase in active travel journeys, with improved connectivity to the city and rural areas.”</i></p>
<p>Policy SS5 - Infrastructure Strategy for the district</p>	<p><u>Highways and Transportation</u></p> <p>Whilst highway infrastructure is referenced in the Movement and Transport policy SS4, it would be prudent to include reference to these within Policy SS5, considering this is the policy covering infrastructure and it does not necessarily imply that it only relevant to non-highway related infrastructure.</p> <p><u>Development Investment</u></p> <p>The County Council draws attention that where strategic allocations are providing on-site schools, <i>“New and improved walking and cycling connections to school locations, both within the site and surrounding communities;”</i> are required to be provided prior to the opening of the school on-site. The County Council would request that this should be featured within each strategic allocation policy, and referred to within this overarching policy also.</p> <p><u>PRoW</u></p> <p>The County Council is supportive of emphasis of the need for new development to make provision for, or appropriate contribution towards any new or improved infrastructure needed to serve it. The County Council, in respect of PRoW matters will continue to engage with relevant applicants to ensure improvements are secured and delivered to the PRoW network.</p>
<p>2. Canterbury</p>	

**Canterbury Local Plan Regulation 18 Consultation.
Kent County Council Response (May 2024)**

Policy/Paragraph	Commentary
<p>General Commentary</p>	<p><u>Highways and Transportation</u></p> <p>The vision for Canterbury promises significantly reduced traffic congestion through modal shift to public transport and active travel. This is a bold statement as the traffic modelling has not been completed at the time of writing to predict how effective the transport measures are likely to be, and what residual congestion might be expected. The County Council cannot support the statement until the modelling has been completed and is satisfied that the assumptions made in the evidence base for modal shift are realistic.</p>
<p>Policy C1 – Canterbury City Centre Strategy</p>	<p><u>Highways and Transportation</u></p> <p>A key part of the vision is to reduce traffic on the inner ring road, which linked to modal shift will require the removal of traffic attractors. At present, the existing provision of city centre car parks draw vehicles into the area but the policy does not indicate any commitment to reduce or remove the amount of public car parking available, and only mentions “measures to moderate vehicular pressure”.</p> <p>Development within this area should also be promoted as car-free where appropriate so not to generate vehicle trips that could easily be made by sustainable modes. In addition, it is considered that paragraph 9 should incorporate reference to the provision of well designed cycle storage, rather than limiting this requirement to just storage space for refuse and recycling.</p>
<p>Policy C5 – Canterbury Urban Area</p>	<p><u>Highways and Transportation</u></p> <p>The County Council cannot yet support the statement in paragraph 2 that the implementation of the Canterbury District Transport Strategy will lead to a significant reduction in short trips made by private car, as this will need to be evidenced through the traffic modelling currently being undertaken. Until the modelling has been completed, the predicted impact of the local plan developments and transport strategy are not known.</p>
<p>Canterbury Strategic Development Areas</p> <p>South West Canterbury</p>	<p><u>Highways and Transportation</u></p> <p>South West Canterbury SDA provides the opportunity to deliver relief to the existing A2 junction at Wincheap through the provision of the proposed Canterbury Link Road. However, paragraph 2.9 describes opportunities to deliver new and improved connectivity with the A2, but it should appreciate that the Wincheap fourth slip secured in planning obligations is committed. The proposed South West Canterbury Development area is therefore expected to amend connectivity to the A2 rather than deliver new connections, albeit relocated.</p> <p><u>PRoW</u></p> <p>Development in this location could impact Public Footpaths CB464, CC59, CB490, and CB491, also Public Bridleway CB494. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forward.</p>
<p>Policy C6 - Land at Merton Park</p>	<p><u>Highways and Transportation</u></p> <p>Paragraph 4 (c) of the policy requires new access both from and to the A2 to serve the site, but as noted above, the fourth slip at Wincheap is likely to be in place giving access from the A2. Flexibility in the wording would be required to ensure that site C6 does not need to provide direct access from the A2, and this can be served via appropriate connections. The modelling currently being undertaken envisages retention of the committed fourth slip and the replacement of the current eastbound on-slip to within the site. This will need to be reflected in the phasing and delivery section of the policy too.</p> <p>Phasing for the connectivity to site C7 Hollow Lane has changed from being provided prior to occupation in the earlier drafting of the plan to prior to occupation of 25% of the total dwellings. The County Council cannot confirm whether the trigger proposed is appropriate as this will need to be assessed through traffic modelling to consider the interim impact on the highway network.</p> <p><u>Development Investment</u></p> <p><i>Paragraph 4(a)(iv) “New and improved walking and cycling connections to school locations, both within the site and surrounding communities;”</i></p> <p>The County Council notes that these connections should be provided ahead of the opening of the school on site and would ask that the paragraph be amended to secure this.</p> <p>The County Council also notes that presently, the wording omits the consideration of site contributions towards provision of enhanced capacity within Kent County Council’s Household Waste Recycling, the County Council would ask that this be rectified accordingly.</p>

**Canterbury Local Plan Regulation 18 Consultation.
Kent County Council Response (May 2024)**

Policy/Paragraph	Commentary
	<p><u>PRoW</u></p> <p>Public Footpaths CB464, CC59, CB490, and CB491, also Public Bridleway CB494 all run, either in part or wholly within the site boundary. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is also supportive of point 3(m) which seeks to conserve or enhance the ProW network across the site.</p> <p>The County Council also notes point 4(g) and raises a question given the uncertainty of the future status that may be envisaged for routes being described as “<i>non-motorised/recreational use/ access only</i>”.</p> <p>In respect of point 5, there must be a stated requirement for the phasing and delivery of the PRoW network.</p>
<p>Policy C7 - Land to the North of Hollow Lane</p>	<p><u>Highways and Transportation</u></p> <p>Terminology used in section 4 Access and Transportation should follow into section 5 Phasing and Delivery. This is needed to remove ambiguity over when the delivery of connectivity to the site is required, to ensure that both vehicular and pedestrian/cycle connectivity are accounted for.</p> <p><u>Development Investment</u></p> <p>The County Council draws attention that where strategic allocations are providing on-site schools, “<i>New and improved walking and cycling connections to school locations, both within the site and surrounding communities</i>,” are required to be provided prior to the opening of the school on-site. This should be featured within each strategic allocation policy, and referred to within this overarching policy also.</p> <p><u>PRoW</u></p> <p>Public Footpaths CB490 and CB491 run in part within the site boundary. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the ProW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is also supportive of point 3(k) which seeks to conserve or enhance the ProW network across the site. The County Council is also supportive of point 4(a)(iv-v) which seeks improvements to the ProW and connectivity.</p> <p>In respect of point 5, the County Council would request that there must be a stated requirement for the phasing and delivery of the ProW network.</p>
<p>Policy C8 – Nackington Police Station</p>	<p><u>PRoW</u></p> <p>Public Footpath CC63 may run in part within the site boundary. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is supportive of point 4(d) which seeks the provision of improved walking and cycling connections.</p>
<p>Policy C9 - Milton Manor House</p>	<p><u>Highways and Transportation</u></p> <p>In order to prevent the creation of a vehicular access onto the busy A28 classified road and ensure development traffic joins the A28 via the more appropriate Milton Manor roundabout, this policy should specify that vehicular access to serve the site will be taken from Milton Manor Road.</p>

**Canterbury Local Plan Regulation 18 Consultation.
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Policy/Paragraph	Commentary
	<p><u>PRoW</u></p> <p>Part of Public Footpath CB464 may be impacted by the proposal. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is supportive of Points 4(a)(iii-iv) which detail requirements for the access and transport strategy.</p>
<p>Policy C10 - Land to North of Cockerling Road</p>	<p><u>PRoW</u></p> <p>The County Council notes that no PRoW is affected by this proposal but Public Footpath CB464 should be identified as a potential connection. This footpath has the potential to be upgraded to Public Bridleway, allowing pedestrian, equestrian and cycle use, which would be encouraged here.</p>
<p>Policy C11 – South West Canterbury Link Road</p>	<p><u>Highways and Transportation</u></p> <p>The wording of the provision of new on/off slips on A2 Coastbound will need to reflect the comments already made above with respect to the committed fourth slip at Wincheap.</p>
<p>Policy C12 – Land north of the University of Kent</p>	<p><u>Highways and Transportation</u></p> <p>This development is required to provide an all-movement junction at A2 Harbledown through the provision of additional on and off slips. This will need to include associated widening of Faulkners Lane and junction improvements at its connection to the A2050 to accommodate the change in traffic distribution.</p> <p><u>PRoW</u></p> <p>Public Footpaths CB12, CB12A, CB14, CB25, CB30, CB31 and Public Bridleway CB24A, and possibly others, could be affected by the proposed allocation. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is supportive of Points 3(f), 3(l), and 4(a)(i)-(iv) which relate to the provision of green corridors to boost connectivity, conservation of the PRoW network and the provision of an access and transport strategy.</p> <p>In respect of point 5, there must be a stated requirement for the phasing and delivery of the PRoW network.</p> <p><u>Heritage Conservation</u></p> <p>It should be noted that the site lies in an area of considerable archaeological significance with numerous historic sites and buildings being recorded on the Kent Historic Environment Record. The part of the development area lying south of Tyler Hill Road has been assessed as being of high potential for palaeolithic discoveries based on material recovered from similar terrace gravels and head deposits along the former route of the Stour. The area north of Tyler Hill Road has a moderate palaeolithic potential. Large numbers of Mesolithic flints have also been found from across the area. The main concentration of archaeological remains is in the vicinity of the church of St Cosmus and St Damian, itself a medieval listed building. To the immediate south-west of the church is the scheduled monument relating to a deserted medieval settlement. The monument includes the remains of a dispersed medieval settlement and an earlier Roman building situated on the southern slope of a clay hill around 7km northwest of Canterbury. The dispersed medieval settlement survives in the form of earthworks and associated buried remains, perhaps including the remains of a 14th century vicarage. The earthworks survive to a height of up to around 0.5m and represent three adjoining north west-south east aligned rectangular enclosures identified as a manor house complex and two associated, contemporary dwellings. Part of a roughly north-south aligned track runs along the eastern side of the monument. Documentary evidence, including an entry in the Domesday Book, suggests that the settlement was in</p>

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	<p>existence by the 11th century. Analysis of pottery fragments found within the settlement suggests that it had fallen into disuse by the early 15th century. To the west of the scheduled area, a geophysical survey carried out by the University of Kent in 2009 found a possible trackway related to the scheduled site. To the east of the scheduled area, extensive cropmarks including enclosures and ring-ditches have been observed covering an area of 300m x 300m. Together these suggest that the complex extends well beyond the scheduled area.</p> <p>Further east in the development area, an anti-aircraft battery and searchlight were installed during the Second World War and remains associated with these sites may yet survive. An air-raid shelter is also believed to have been constructed at Blean Primary School and may yet remain. An Auxiliary Hide is also known to have been constructed in the area and may be within the development area itself.</p> <p>In addition to the historic features within the development area there are several other sites immediately adjacent that could be affected. Hothe Court is a historic farmstead that includes two listed buildings and that dates back to the medieval period. Nearby Blean House is a 19th century residence, again listed. It should also be noted that a considerable part of the site is covered by the Hothe Court and Blean Conservation Areas.</p> <p>Clearly the proposed development has the potential to significantly impact the heritage of the area, whether by direct impact on archaeological remains or historic buildings, or on their settings. There are also undoubtedly buried remains of which we are as yet unaware. It is essential that these are treated appropriately during the development management process. Historic England should be consulted at an early stage regarding the scheduled monument and the County Council would request that we be consulted at the earliest detailed masterplanning stage too. Preliminary desk and field evaluation and a survey will also be required to clarify the archaeological significance of surviving remains and the impact of the proposals at an early stage. Further nationally important non-designated archaeological remains may well be present within the site and should be preserved in situ. Archaeological assessment and a field evaluation should be undertaken at an early stage in the design of the proposed development to ensure that areas which require preservation can be removed from the developed area and cultural heritage can be used to enhance the character and sense of place of the new development.</p>
<p>Policy C14 - Land at Station Road East</p>	<p><u>Highways and Transportation</u></p> <p>These comments relate to Policies C13 and C14 – Becket House and land at Station Road East.</p> <p>The previous draft of these site policies both had an access and transport strategy that promoted a “car free” development, but it is noted that has now been removed. Given its location close to the city centre, this is the type of site that should be encouraged to restrict parking provision, particularly as the Local Plan seeks to reduce traffic volumes using the ring road in order to tackle congestion and reallocate roadspace to public transport and active travel. It is noted that this would be in accordance with policy DS15</p> <p><u>PRoW</u></p> <p>Public Footpath CC50 may run in part within the site boundary. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is supportive of Point 4(b) and the requirements for an access and transport strategy.</p>
<p>Policy C16 - Land at Folly Farm</p>	<p><u>PRoW</u></p> <p>Public Footpath CC17 runs, in part, along the site boundary. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is supportive of Point 4 and the requirement for an access and transport strategy.</p>

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Policy/Paragraph	Commentary
Policy C17 - Land at Canterbury Business Park	<p><u>PRoW</u></p> <p>Public Bridleways CB268 (part of the North Downs Way National Trail), CB323 and CB324, and possibly others, may be affected by the proposals. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is supportive of Point 4 and the requirements for an access and transport strategy.</p>
Policy C18 - Land on the eastern side of Shelford Landfill	<p><u>PRoW</u></p> <p>Public Footpaths CB47A and CB51 may run in part within the site boundary. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is supportive of Points 3(e) and 4(a) which relate to the conservation and enhancement of the PRoW network and the requirement for an access and transport strategy.</p>
Policy C19 - Wincheap commercial area	<p><u>Highways and Transportation</u></p> <p>Traffic modelling being undertaken for the Local Plan includes the western relief road, as this is expected to be necessary to divert traffic away from the A28/Ten Perch Road junction to address congestion. The concept masterplan no longer shows this route and the County Council would request that this be amended to include the link.</p> <p><u>PRoW</u></p> <p>Public Footpath CC68 runs in part within the site boundary. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is supportive of Point 4 and the requirement for an access and transport strategy.</p>
Policy C20 - Land to the south of Sturry Road	<p><u>PRoW</u></p> <p>The County Council notes that although the PRoW network is not affected by the proposal, Walks for All promoted route and a cycle way run through the site which require consideration at master planning stages.</p>
Policy C22 – Land on the Eastern Side of Shelford Landfill	<p><u>Highways and Transportation</u></p> <p>Any development of this site should provide a transport assessment to demonstrate the connectivity of the site with the existing highway network, any necessary mitigation and measures to minimise the need for use of private cars. Consideration should also be given to the possibility of providing contributions towards local highway improvements supporting growth.</p>
3. Whitstable	

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Policy/Paragraph	Commentary
Policy W1 - Whitstable Town Centre Strategy	<p><u>PRoW</u></p> <p>The County Council is supportive of point 9 and the ambition to complete the Crab and Winkle Way. However, the Policy does not recognise access along and to connect with the King Charles III Coastal Path, England's newest National Trail. The County Council would ask that this be included in the policy.</p>
Policy W2 – Whitstable Harbour	<p><u>Highways and Transportation</u></p> <p>Development here has the potential to increase congestion in the town centre through attracting more vehicle movements, but the County Council is supportive of proposals to improve accessibility by walking and cycling. It is recognised that infrastructure contained with other policies will help alleviate the traffic volumes to give weight to accepting development in this location.</p>
Policy W3 - Whitstable urban area	<p><u>Highways and Transportation</u></p> <p>The inclusion within this policy for the new A299 slip roads is now noted following the comments provided for the previous draft, and this is welcomed to reinforce policies W4 and W6</p> <p><u>Development Investment</u></p> <p><i>Paragraph 6</i></p> <p>The paragraph makes reference to a “2FE Special Education Needs and Disabilities school”. 2FE is an incorrect description as special schools do not operate on this basis. At present, the size (in terms of pupils) is unknown until the school's specialism is determined. The County Council requests removal of the reference to “2FE”.</p> <p><u>PRoW</u></p> <p>In respect of point 3, the County Council recommends the following amendment: <i>“The council will seek to improve walking and cycling connectivity, such as improvements to <u>and connections with the Crab and Winkle cycle way...</u>”</i></p>
South Whitstable – strategic development area	<p><u>Development Investment</u></p> <p><i>Paragraph 6</i></p> <p>To clarify, the provision of a new SEND school is to mitigate the needs of all proposed housing growth in this draft local plan. Provision of a new facility on the coast will provide a balance of infrastructure, with existing SEND schools in and around Canterbury central.</p>
Policy 4 - Land at Brooklands Farm	<p><u>Highways and Transportation</u></p> <p>Early delivery of the east facing slips on the A299 is considered to be important in order to accommodate some level of development on this site, and to limit the impact on the local highway network. This policy seeks to deliver these highway works prior to occupation of 50% of the total dwellings but it is considered that delivery should be much earlier due to the current levels of congestion, unless traffic impact assessment can demonstrate otherwise.</p> <p><u>Development Investment</u></p> <p>Point 1.(b)(ii) references a 2FE Primary School on a 3ha site. The site size is incorrect and should be amended to 2.05ha.</p>

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Policy/Paragraph	Commentary
	<p><u>PRoW</u></p> <p>Public Footpath CW21 and part of Public Footpath CW27 run within the site. Public Footpath CW27 continues immediately outside the site's eastern and northern boundaries, joining Public Bridleway CW27A that also runs immediately outside the site's northern boundary. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p><u>The County Council is supportive of</u> Points 3(m) and 4(a)(i)-(vi) which relate to the conservation and enhancement of the PRoW network and the requirements of an access and transport strategy.</p> <p>In respect of point 5, there must be a stated requirement for the phasing and delivery of the PRoW network.</p>
<p>Policy W5 - Land south of Thanet Way</p>	<p><u>Highways and Transportation</u></p> <p>It is appreciated that this site came forward in advance of the Local Plan and has recently received outline planning consent without any requirement to contribute towards the east facing slips onto the A299. However, in the event that the planning consent elapses, or a new planning application is made, it will be appropriate to retain the proposed highway infrastructure requirements in this policy.</p> <p><u>PRoW</u></p> <p>Public Footpath CW20 runs in part within the site. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is supportive of Points 3(i) and 4(a)(i)-(iv) which relate to the conservation and enhancement of the PRoW network and the requirements of an access and transport strategy.</p> <p>In respect of point 5, the County Council would suggest that there be a stated requirement for the phasing and delivery of the PRoW network.</p>
<p>Policy W6 – Bodkin Farm</p>	<p><u>Highways and Transportation</u></p> <p>No reference has been made in this policy to the delivery of the east facing slips onto the A299. As with site W4, early delivery of the slips is expected to accommodate traffic growth from development in Whitstable. It will be appropriate to restrict the amount of occupations on this site until the new junction with the A299 has opened.</p> <p><u>Development Investment</u></p> <p>Paragraph 5(a) states that the secondary school site should be transferred on commencement of the development. It is currently anticipated that this school site will come forward mid to late in the local plan period. Whilst the County Council wishes to maintain flexibility of delivery, in order to be able to react to alternative grant funding sources, it should be recognised, in the drafting of this paragraph that delivery is unlikely to be early in the plan period. It is noted that the Draft Infrastructure Delivery Plan 2024 records potential delivery being late in the plan period.</p> <p><i>In respect of point 2(a)</i> Whilst the County Council will encourage community use of school infrastructure through its agreement with the academy sponsor, it should be noted that any community use of sports facilities will be out of school hours and through a community use agreement.</p> <p><u>PRoW</u></p> <p>Public Footpaths CH8 and CW68 run along the site's southern boundary and creation of links to Public Footpaths CH12 and CH13 should be reviewed. The County Council would</p>

Policy/Paragraph	Commentary
	<p>therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council also supports points 4(a)(i)-(iii) which relate to the requirements of an access and transport strategy.</p> <p>In respect of point 5, the County Council would request that there be a stated requirement for the phasing and delivery of the PRoW network.</p>
4. Herne Bay	
<p>Policy HB1 - Herne Bay Town Centre</p>	<p><u>Highways and Transportation</u></p> <p>Regeneration of the town centre is supported and the County Council look forward to the opportunity of working with the LPA to accommodate improved connectivity for pedestrians and cyclists, use of public transport and improving traffic flow.</p>
<p>Policy HB4 - Land to the west of Thornden Wood Road</p>	<p><u>Highways and Transportation</u></p> <p>In order to ensure that the site does not provide a vehicular link between the A2990 Thanet Way and Thornden Wood Road, the policy should make clear that the two primary accesses serve each of the secondary school and residential development in isolation respectively.</p> <p><u>Development Investment</u></p> <p>Paragraph 1(a)(i) states a school site size of <u>circa. 8.03ha</u>. It is requested that the wording is amended to <u>a minimum of 8.03ha useable space</u>. The proposed area for the secondary school incorporates a brook and steep embankment on either side, rendering a considerable section of land unusable for both buildings and playing surfaces. There is also a public right of way (PRoW) traversing the proposed school site at the midpoint, running east to west. The County Council requires an undivided site. The land is also of irregular shape, leaving part unusable.</p> <p>In respect of paragraph 2.(a), it should be noted that any community use of sports facilities will be out of school hours and through a community use agreement.</p> <p><u>PRoW</u></p> <p>Public Footpath CH12 runs within the site. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is supportive of Points 4(a)(i)-(iv) regarding the requirements of an access and transport strategy, though it should be noted that in identifying need to divert part of Public Footpath CH12 outside of the secondary school site, this should be required within consideration phasing and delivery of the PRoW network.</p>
<p>Policy HB10 - Eddington Business Park</p>	<p><u>PRoW</u></p> <p>Public Footpath CH21 runs within the site. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p>
5. Rural Areas	

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Policy R1 - Rural service centres	<p><u>Highways and Transportation</u></p> <p>The County Council may be supportive of development that helps to sustain the viability of rural settlements, and enhance their community facilities and services, provided they can be appropriately accessed by walking and cycling. The County Council does appreciate that the level of modal shift within the rural areas may be less than that can be achieved within the urban areas but practical measures should be explored where reasonable.</p> <p><u>PRoW</u></p> <p>The County Council is supportive of Points 2(c) and 2(d)(iii) which relate to the need for supporting accessibility and improvements to sustainable transport infrastructure, including the PRoW network.</p>
Policy R2 - Great Pett Farmyard	<p><u>PRoW</u></p> <p>At present, no PRoW are identified within the site boundary; however, Public Footpath CB300 and promoted route 'Coast to Cathedral cycle ride - Dover to Canterbury' are in close proximity and should be recognised. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is support of Points 3(e) and 4(a)(i) which relate to the conservation and enhancement of the PRoW network and the requirements of the access and transport strategy.</p>
Policy R5 – Bread and Cheese Field	<p><u>Highways and Transportation</u></p> <p>It is noted that the previously requested requirement to provide contributions towards the Sturry Relief Road has now been included within the policy. Sites that have already consented that they will contribute towards this highway project are restricted on the number of occupations allowed prior to the completion of the new road, and it will be expected that this site and any others within Hersden, Broad Oak and Sturry are also similarly restricted and contribute towards this infrastructure. This will therefore also apply to sites R6, R9, R10, R14, R15 and R16.</p>
Policy R6 – Land at Hersden	<p><u>Highways and Transportation</u></p> <p>As with site R5, this policy should include a requirement to make contributions towards the Sturry Relief Road and be restricted until the highway scheme has been completed.</p>
Policy R7 - The Hill, Littlebourne	<p><u>Highways and Transportation</u></p> <p>Section 5 should require the link road to be provided at the earliest opportunity in order to limit the amount of traffic that uses Bekesbourne Lane junction with the A257 High Street.</p> <p><u>PRoW</u></p> <p>There appear to be no PRoW within the site, which is inconsistent with Section 4(iv) stating “<i>Improvements to the PRoW network crossing and around the site as required.</i>”. This should be reviewed and corrected as required.</p>

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Policy/Paragraph	Commentary
Policy R8 – Land north of Court Hill	<p><u>Highways and Transportation</u></p> <p>No reference has been made within this policy for the site to provide safe and convenient pedestrian and cycle connectivity. This should be included.</p>
Policy R9 - Land north of Popes Lane	<p><u>Highways and Transportation</u></p> <p>The County Council is satisfied with the amendments made to this policy in order to include contributions towards the Sturry Relief Road and to restrict occupation on the site prior to the opening of it. These requirements will be requested for all site policies in Sturry, Broad Oak and Hersden, as stated above.</p> <p><u>PRoW</u></p> <p>Public Footpaths CB58 and CB59 run within the site or along its eastern boundary. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council also supports points 4(a)(i)-(iii) which relate to the requirements of an access and transport strategy.</p> <p>In respect of point 5, the County Council would request that there be a stated requirement for the phasing and delivery of the PRoW network.</p>
Policy R10 - Land at The Paddocks, Shalloak Road	<p><u>Highways and Transportation</u></p> <p>Whilst the requirement to provide contributions towards the Sturry Relief Road are included within this policy, in keeping with the other sites in Sturry and Hersden, delivery and phasing should be specified to restrict occupation on the site prior to the opening of the relief road.</p> <p><u>PRoW</u></p> <p>Public Footpath CB52 runs within the site or along its northern boundary. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is supportive of Points 4(b-c) which relate to the requirements of an access and transport strategy.</p>
Policy R11 - Local service centres	<p><u>PRoW</u></p> <p>Point 2(c), relating to the support for improvements to sustainable transport infrastructure, including the PRoW network is welcomed.</p>
Policy R14 - Land at Goose Farm, Shalloak Road	<p><u>Highways and Transportation</u></p> <p>This policy should include a requirement to make contributions towards the Sturry Relief Road and be restricted until the highway scheme has been completed.</p> <p><u>PRoW</u></p> <p>Public Footpaths CB46 and CB48 run within the site or along its boundaries. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p>

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	<p>The County Council recommends that the policy should specify that an access and transport strategy for the site should provide walking and cycling connections, particularly for the proposed residential units.</p>
<p>Policy R15 - Land at Shalloak Road</p>	<p><u>Highways and Transportation</u></p> <p>This policy should include a requirement to make contributions towards the Sturry Relief Road and be restricted until the highway scheme has been completed.</p> <p><u>PRoW</u></p> <p>Public Footpath CB48 runs within the site or along its southern boundary. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the PRoW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council recommends that the policy should specify that an access and transport strategy for the site should provide walking and cycling connections, particularly to Public Footpath CB48.</p>
<p>Policy R16 – Land fronting Mayton Lane</p>	<p><u>Highways and Transportation</u></p> <p>This policy should include a requirement to make contributions towards the Sturry Relief Road and be restricted until the highway scheme has been completed.</p>
<p>Policy R17 - Broad Oak Reservoir and Country Park</p>	<p><u>Highways and Transportation</u></p> <p>Section 4 (f) will need the Transport Assessment to consider the construction phase of the development as this is likely to have a major impact on the highway network.</p> <p><u>PRoW</u></p> <p>Various Public Footpaths, Public Bridleways and a Restricted Byway are located within the site or along its boundaries. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the ProW network arising from this proposal throughout the Local Plan process and moving forwards.</p> <p>The County Council is supportive of Points 3(i) and 4(a-b) which relate to the conservation and enhancement of the ProW network and the requirements of the access and transport strategy.</p> <p>In respect of point 5, the County Council would request that there be a stated requirement for the phasing and delivery of the ProW network.</p>
<p>Policy R18 – Land at Church Farm</p>	<p><u>PRoW</u></p> <p>Public Footpath CB99 runs within the site or along its western boundary. The County Council would therefore welcome engagement to ensure proper consideration of the impact on the ProW network arising from this proposal throughout the Local Plan process and moving forwards.</p>
<p>Policy R19 – Countryside</p>	<p><u>PRoW</u></p> <p>The County Council is supportive of point 5 which relates to the need to protect the network of valued open spaces, green infrastructure and sports and recreation opportunities.</p>

Policy/Paragraph	Commentary
6. District Wide Strategic policies	
Rural Housing	<p><u>Heritage Conservation</u></p> <p><i>Paragraph 6.11</i></p> <p>It should be noted that much of Kent 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. English Heritage, the County Council and Kent Downs Area of Outstanding Natural Beauty (AONB) (now known as Kent Downs National Landscape) have published guidance on historic farmsteads in Kent that considers how rural development proposals can be assessed on whether they are consistent with existing character. The Kent Farmsteads Guidance has been endorsed by the County Council and it is recommended that Canterbury City Council considers adopting the guidance as SPD, as part of the Local Plan process.</p>
Policy DS4 – Rural Housing	<p><u>Heritage Conservation</u></p> <p>The County Council is supportive of point 3(a) of the policy that encourages re-use of heritage assets. The County Council also support clauses 4(c) and 5€ which permits siting of new build among groups of farm buildings. It should be noted though that this could equally apply to non-housing development should the historic character of the farmstead permit it.</p>
Policy DS6 - Sustainable design	<p><u>Highways and Transportation</u></p> <p>Included within this policy is the requirement promote healthy lifestyles by making walking and cycling safe and accessible. This reflects the County Council’s transport objectives to place less reliance on car journeys and is supported. Similarly, it seeks the appropriate design of developments to accommodate parking and electric vehicle charging, which is also supported.</p> <p><u>Heritage Conservation</u></p> <p>The County Council welcomes clause 8 (c) (iv) that requires developers of projects over 300 homes to include a strategy for culture and heritage in their project designs. This can help to ensure not only that Canterbury’s heritage is treated appropriately during the process, but also that the opportunities it provides can be seized. It is important that these strategies include all aspects of heritage, including historic buildings, landscapes and archaeological remains, that they explain how the heritage will be conserved and enhanced during the development process, and that they show how the proposed development has responded to the potential of the heritage to better integrate the new development into the existing landscape and townscape. The community engagement identified in point 8 (c)(i) should, where appropriate, also include heritage aspects in the form of community archaeology. S106 agreements should be used to ensure that the new community, and the existing community affected by the development, have the opportunity to develop activities designed to help them enjoy and value their heritage. The County Council is developing advice for the inclusion of heritage aspects into S106 agreements and would be happy to discuss this further with the City Council.</p>
Policy DS7 - Infrastructure delivery	<p><u>Highways and Transportation</u></p> <p>The County Council will work with the LPA in order to agree the appropriate mechanisms to secure and deliver the infrastructure required to mitigate development. The timing and phasing of infrastructure or mitigation will require consideration, and where not fixed in specific policies, this will need to be derived from an appropriate assessment.</p> <p><u>Development Investment</u></p> <p>The County Council considers that it is currently not clear from paragraphs 5 and 6 what the City Council proposes to be funded under CIL and s106. It is suggested that reference should be made to the Draft Infrastructure Delivery Plan 2024, which sets out clearly how infrastructure will be funded.</p> <p>In respect of paragraph 9, the County Council welcomes the addition of a review mechanism where a development has an accepted viability statement and cannot demonstrate policy compliance.</p> <p>Paragraph 8 states that viability appraisals will be independently reviewed and published by the local planning authority. Where viability impacts county council service provision, the County Council wishes to be involved in the viability review, with full access to an unredacted copy of the viability statement and where necessary will instruct its own viability review.</p>

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	<p><u>PRoW</u></p> <p>The County Council recommends that paragraph 6.18 is enhanced to <i>“The timing of infrastructure delivery is an important consideration, and a delivery programme should be developed and agreed, in consultation with infrastructure providers, to ensure that infrastructure is delivered at the right time to support growth <u>and to embed culture change</u>”</i>;</p> <p>The County Council recommends point 7 is enhanced to <i>“... All types of infrastructure connections to existing footpaths and cycleways <u>and the PROW network</u> should be delivered prior to occupation.”</i></p>
<p>Policy DS8 - Business and employment areas</p>	<p><u>PRoW</u></p> <p>The County Council recommends Point 7 is enhanced to <i>“Proposals for new business or employment premises must deliver fibre to the premises (FTTP) infrastructure and any necessary on site <u>and off site</u> sustainable transport infrastructure prior to first occupation”</i>.</p>
<p>Policy DS7 – Infrastructure Delivery</p>	<p><u>Development Investment</u></p> <p>The County Council recommends that the section on <i>“Education and associated development”</i> – should be titled <u>Further/Higher Education and Associated Development</u> to avoid confusion with Early Years, Primary, Secondary and SEND Education.</p>
<p>Policy DS13 - Movement hierarchy</p>	<p><u>Highways and Transportation</u></p> <p>The County Council has no adverse comments to make in respect to this policy wording.</p> <p><u>PRoW</u></p> <p>The County Council supports the prioritisation of walking, cycling, and public transport.</p>
<p>DS14 – Active and Sustainable travel</p>	<p><u>Highways and Transportation</u></p> <p>The County Council support the objectives of this policy, as per the previous consultation.</p> <p><u>Development Investment</u></p> <p>The County Council would welcome the provision of policy requirements for school provision to be located within 400m of a bus stop, as well as new housing.</p> <p><u>PRoW</u></p> <p>The County Council is encouraged to note many references to ProW and the recognition of the value of the PRoW network to meet the Plan’s ambitions. There are, however, amendments suggested by the County Council.</p> <p>Of particular need is for the inclusion of a separate and additional Policy focused on ProW; Policy DS14A is proposed below. The County Council considers it essential that PRoW should be understood as a separate topic (albeit over-arching many of the Plan’s ambitions and policies) given the different and specific processes and considerations within statutes and practice for creating, diverting, and managing ProW. Having a specific PRoW policy would not be exceptional given, for example, Policy DS15 is specific to Highways and Parking. In so doing, it would provide a consistent framework of guidance for all, but particularly developers and public users, to consider development proposals and their effects on off-road access. Having a clear, holistic understanding and ensuring, for example, neighbouring developments complement rather than contradict each other, will ensure the Plan’s ambitions are met efficiently and future users’ amenity and experience is properly considered. The County Council suggests it would be a simple amendment to reference the Policy</p>

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	<p>within each relevant other Policy, and possibly the Policy could be inserted after Policy DS14 – Active and sustainable travel.</p> <p>In introducing a separate ProW policy, the County Council recommends the inclusion of the following statements:</p> <ol style="list-style-type: none"> 1. <u>PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic, each of which are recorded on a relevant Definitive Map (the Glossary will need similar amendment – see Point WW below);</u> 2. <u>PRoW are public maintainable highways, so due similar consideration as public roads, meaning the disturbance of their surfaces, the introduction of any new structure on over under or immediately adjacent to a PROW, or an action that endangers or inconveniences path users, may be a criminal offence;</u> 3. <u>PRoW are a material consideration in the determination of any planning application. Applicants are, therefore, encouraged at an early stage to investigate the existence of PRoW in developing their site plans – PRoW can be identified using the County Council’s online mapping: https://webapps.kent.gov.uk/countrysideaccesscams/standardmap.aspx</u> 4. <u>The present District PRoW network needs to be enhanced and extended to support the Plan’s active travel ambitions. The existing PRoW network is disjointed, whether severed by roads or having no continuity of public rights; and is predominantly comprised of Public Footpaths, where lawful public use is limited to pedestrian and mobility vehicle access. The County Council expects future development to assist in resolving these issues around the county, such as by up-grading the status of footpaths to bridleways, thereby extending lawful use by cyclists. Also by creation of new short lengths of PRoW so as to create direct and safer crossings of roads. Both these solutions can be achieved at comparatively small cost to road network enhancements;</u> 5. <u>Recognition of the ROWIP, a statutory document for PRoW management, and Kent County Council’s ‘Framing Kent’s Future’ strategy for 2022-2026.</u> <ol style="list-style-type: none"> (f) <u>a clear statement that timely delivery of changes to ProW, and usually ahead of occupation of development, shall be necessary to avoid unnecessary disruption and/ or failure to embed new or changed behaviours; prior of works by the County Council is necessary to avoid being a criminal offence;</u> (g) <u>where diversion of an existing ProW is considered necessary as part of a development proposal, the appropriate legal process must be progressed with ourselves to ensure a timely and legal development. Developers are encouraged to engage with the County Council at their Masterplanning stage to ensure any potential issue is efficiently considered and programmed.</u> <p>The County Council supports use of mechanisms including Section 106 agreements and the Community Infrastructure Levy to secure the delivery of reasonable and necessary infrastructure in the surrounding area. In addition, in recognising any new assets are to be managed as part of the future PRoW network with the consequent on-going maintenance liability, a contribution for that on-going maintenance will be required in addition to the initial infrastructure provision.</p> <p>Any site in proximity to a rail crossing that connects to the PRoW network would be required to consult with and work in partnership with both Network Rail and the County Council to ensure public safety as well as PRoW connectivity is ensured and improved.</p> <p>As to a specific Policy, the following is suggested:</p> <p><u>DS14A — Public Rights of Way (ProW)</u></p> <p><u>Planning permission will be granted for development which meets the following criteria:</u></p> <ol style="list-style-type: none"> 1. <u>An access and transportation strategy should be prepared for the site regardless of its size and should:</u> <ol style="list-style-type: none"> (b) <u>Identify all existing ProW within the site;</u> (c) <u>Identify the existing ProW network outside of the site boundary that reasonably could be used by future site occupants to access services, neighbouring communities, and the countryside as applicable in addition to use for personal wellbeing and exercise;</u> (d) <u>Improvements both within and outside of the site should be proposed so as to enhance and ensure PROW users’ safety, convenience and enjoyment, and to minimize the need for use of private cars in response to climate change. Where connections to neighbouring developments are identified, applicants are expected to co-ordinate provision, preferably by formal means, with each other to ensure PROW users’ safety, convenience and enjoyment are maximised, and to ensure seamless provision of facility and standards;</u> (e) <u>State how improvements identified in (c) above are expected to be funded;</u> (f) <u>State a timetable for delivery of improvements identified in (c) above.</u> <p>The proposed policy DS14 makes reference to access by those with disabilities. The County Council wishes to highlight that disabilities affecting access are broader than just mobility</p>

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	<p>impairment, such as with sight impairments. The County Council would suggest that the draft Local Plan acknowledges this and considers how development can ensure those with any disability are provided for so as to conveniently enjoy access within the District.</p> <p>Similarly, the draft Local Plan does not acknowledge that access needs can differ also. To ensure non-vehicle access is an attractive and chosen option by the majority, access for all ages must be considered in proposing designs of future off-road access.</p> <p>In respect of point 1 of the policy, the County Council recommends this is enhanced to <i>“Proposals for development must demonstrate how they will <u>enhance and</u> maximise high quality walking and cycling connectivity ‘...’ and ‘... rerouted and upgraded to avoid development, providing a publicly accessible, high quality route, subject to statutory processes”</i></p>
<p>Policy DS15 – Highways and Parking</p>	<p><u>Highways and Transportation</u></p> <p>The policy is considered acceptable in its current wording.</p> <p><u>PRoW</u></p> <p>In respect of point 5, this highlights the advantages of neighbouring sites working collaboratively, which is positive. The County Council will expect neighbouring site developers to similarly work together to optimise changes and enhancements to PRoW and other walking and cycling access schemes for future users' convenience and enjoyment.</p>
<p>Policy DS17 – Habitats of international importance</p>	<p><u>Biodiversity</u></p> <p>The County Council notes that this policy states that Appropriate Assessment will be required. The County Council notes that it is the Local Planning Authority's responsibility to provide the Appropriate Assessment, however, it is the responsibility of applicants to provide the information for the assessment to take place. It is recommended that roles are clarified within this policy.</p>
<p>Policy DS18 – Habitats and landscapes of national importance</p>	<p><u>Biodiversity</u></p> <p>The County Council recommends that point 4 and 5 of this policy are combined for clarity.</p>
<p>Policy DS20 - Flood risk and sustainable drainage</p>	<p><u>Sustainable Urban Drainage Systems (SuDS)</u></p> <p>The County Council, as Lead Local Flood Authority is pleased to see commentary raised in previous consultations have been incorporated into this document.</p> <p>Point 4 contains a requirement for new developments to adhere to the drainage hierarchy as per the PPG (in full). The County Council would advise for including rainwater harvesting/ reuse as a recommendation at the end of point 4.</p> <p>The inclusion of rainwater harvesting is particularly relevant to commercial or industrial settings that have both large impermeable surfaces and greater opportunity (associated costs and space) to include such measures as opposed to residential dwellings.</p> <p>The County Council requests that the statements within point 3 regarding when the sequential test is not required is checked to ensure it is in line with current guidance.</p>
<p>Policy DS21 – Supporting biodiversity recovery</p>	<p><u>Biodiversity</u></p> <p>The County Council is supportive of the proposal for 20% biodiversity net gain, however, would recommend that clear and sufficient information and justification is provided. The County Council highlights this report for the City Council information.</p>

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Landscape Character	<p><u>Heritage Conservation</u></p> <p><i>Paragraph 6.69</i></p> <p>It is important that landscape considerations include an assessment of the historic aspect of the landscape in its designation decision-making. 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 that is firmly rooted in the past. The Kent Historic Landscape Characterisation Survey (HLC) (2001) is an important resource for understanding the landscape of Kent and its development through time. The County Council acknowledges, that the HLC is a strategic, not local, assessment. It does however allow us to look at the landscape of Kent and draw conclusions about the development of the landscape in different parts of the county and the county as a whole. It is not detailed enough to use at a large scale. What is needed is a more detailed assessment of the landscape of Canterbury as has already been carried out for Tunbridge Wells Borough and the Hoo Peninsula, for example. The County Council would be happy to discuss this further with the City Council.</p>
Historic environment and archaeology	<p><u>Heritage Conservation</u></p> <p><i>Paragraph 6.83</i></p> <p>Given the enormous importance of Canterbury's heritage to its residents, visitors, the nation and the world (as reflected in its World Heritage Site status), the current text significantly underplays this importance as well as the potential of the district's heritage to play a formative role in life and wellbeing of its residents. The clear omission which needs to be corrected is the district's heritage review so that the age and range of heritage assets can be appreciated by the reader with their potential to contribute to life in the district understood.</p> <p>Paragraph 6.84, moreover, simply notes the existence of a national framework for heritage provided by national policies and implies these, together with policy DS26, are enough to manage Canterbury's heritage and fulfil its potential. The County Council does not consider these to be sufficient. The County Council would expect to see Canterbury's heritage reviewed, and policies presented for archaeology, Conservation Areas, Listed Buildings and Locally Listed Heritage Assets, Historic Parks and Gardens. Although these aspects are discussed in the Heritage Strategy, the Strategy does not include policies for the management of the historic environment and a stronger policy commitment than DS26 is required.</p> <p>It should be noted that within Canterbury city itself, the management of the archaeological resource is based on the Canterbury Urban Archaeological Database (UAD). The City Council developed the UAD in partnership with the Canterbury Archaeological Trust, but it has not been updated since 2007. Although it remains a very important tool for development control it is therefore now out of date and a programme of updating is required. The County Council would be willing to engage further on this matter.</p>
Policy DS26 - Historic environment and archaeology	<p><u>Heritage Conservation</u></p> <p>Policy DS26 is a single catch-all policy for the historic environment. Although it includes all the main aspects of the historic environment, including them all in one policy prevents any meaningful presentation of context, or exploration of how heritage issues will be used in a positive way to enhance life in the district. It would be preferable if this policy could be broken down into its key components, being:</p> <ul style="list-style-type: none"> - Archaeology, including World Heritage Site issues - Built heritage, including non-listed buildings, Listed Buildings and Conservation Areas - Historic landscapes, including historic parks and open spaces - Local Heritage Assets. Canterbury does have a large number of locally listed buildings but the Local Plan does not at present explain what this status means or what weight will be given to Locally Listed status. <p>If a single policy is to be retained, then it must include a clause that commits the City Council to delivering the goals and actions presented in the Heritage Strategy.</p>
7. Development Management Policies	
Policy DM5 - Parking design	<p><u>Highways and Transportation</u></p> <p>The policy and the associated parking standards shown in Appendix 3 are in alignment with the Highways authority, and can therefore be supported.</p> <p><u>PRoW</u> Point (a) is recommended to extend to ensure parking does not obstruct PRoW or other walking and cycling provision.</p>

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<p>Flood risk</p>	<p><u>Heritage Conservation</u></p> <p>SuDS may have both direct and indirect impacts on the historic environment. Direct impacts could include damage to known heritage assets – for example if a historic drainage ditch is widened and deepened as part of SuDS works. Alternatively, they may directly impact on unknown assets such as when SuDS works damage buried archaeological remains. Indirect impacts are when the ground conditions are changed by SuDS works, thereby impacting on heritage assets. For example, using an area for water storage, or improving an area’s drainage can change the moisture level in the local environment. Archaeological remains in particular are highly vulnerable to changing moisture levels which can accelerate the decay of organic remains and alter the chemical constituency of the soils. Historic buildings are often more vulnerable than modern buildings by flood damage to their foundations.</p> <p>When SuDS are planned it is important that the potential impact on the historic environment is fully considered and any unavoidable damage is mitigated. This is best secured by early consideration of the local historic environment following consultation with the Kent Historic Environment Record (HER) and by taking relevant expert advice. The County Council has recently produced guidance for SUDS and the historic environment. It provides information about the potential impact of SuDS on the historic environment, the range of mitigation measures available and how developers should proceed if their schemes are believed likely to impact on heritage assets. This is available on request.</p>
<p>Policy DM15 - Sustainable drainage</p>	<p><u>Heritage Conservation</u></p> <p>The County Council would recommend the following amendment:</p> <p><i>“Any proposals for development in this area must appropriately consider possible coastal change, flood risk, <u>impact on heritage assets</u>, future wetland habitat enhancements and public safety”</i></p>
<p>8. Carried Forward 2017 Local Plan Policies</p>	
<p>Policy CF3 - Pedestrian and cycle routes</p>	<p><u>PRoW</u></p> <p>The County Council supports the continued inclusion of this policy as part of the Development Plan.</p>
<p>Appendix 1: Glossary</p>	
	<p><u>Development Investment</u></p> <p>The County Council recommends that the Educational facilities, and the infrastructure definition for education, should be expanded to include early years nursery and special educational needs and disabilities (SEND).</p> <p><u>PRoW</u></p> <p>The County Council recommends the following additions to the glossary:</p> <p><u>Active Travel: the definition used by the County Council for its Active Travel Strategy is encouraged for consistency across the County - https://www.kent.gov.uk/about-the-council/strategies-and-policies/transport-and-highways-policies/active-travel-strategy;</u></p> <p><u>Green Infrastructure (GI): the County Council considers PROW a vital component of GREEN INFRASTRUCTURE and recommends the definition specifically references PROW in order there is clarity for all;</u></p> <p><u>Public Rights of Way (PROW): the County Council recommends this is defined as 'PROW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways</u></p>

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	<p><u>Open to All Traffic. Depending on a path's status, access is permitted on foot, bicycle, horse, horse with drawn carriage, and by motor vehicle. Each are public highways, similar to public roads, and are for public use at any and all times unless formally closed by Kent County Council.'</u></p>
<p><u>Draft Canterbury District Transport Strategy</u></p>	
<p><u>Highways and Transportation</u></p>	
<p>Overview;</p> <p><i>Transport Strategy Approach 2025 to 2045</i> – As now promoted by current national and local policies and strategies, the proposed approach to transport planning for considering development is using the “monitor and manage”, which can also be referred to as “decide and provide” and “vision and validate”, The County Council agrees that this is an appropriate methodology. However, it must be ensured that the targets set for the mode share of how journeys will be made are realistic and achievable.</p> <p>The County Council would ask that a robust methodology and clear evidence to set these targets should be provided, and further details of what additional mitigation or measures would be required should the subsequent monitoring indicate that the targets were not being achieved. This does require contingency up front within the planning obligations and funding sources to be able to react to the monitoring. The County Council would like to work with the District to understand how this is managed and detailed within the strategy.</p> <p>Ultimately, the County Council will want to be satisfied that the highway network can operate without experiencing unacceptable levels of congestion, and that sufficient resources and measures can be called upon to protect the operation of the highway network.</p> <p><i>Hierarchy of Transportation modes</i> – The hierarchy aligns with the County Council’s policy to encourage active travel and sustainable transport for journey choices.</p> <p>Bus;</p> <p>Please refer to the comments provided in respect of the draft Canterbury District Bus Strategy.</p> <p>As noted, this is an ambitious approach that sets out to provide good access to high frequency bus services running throughout the district. The County Council supports the vision of improved public transport, and it is considered that increasing the range of services and frequency together with shorter journey times on these routes, can achieve mode shift away from the private car.</p> <p>Reallocation of road space and the signalisation of junctions to give priority to buses will reduce the capacity of the local highway network for all other vehicles in those locations, and the County Council will be concerned where this may lead to unacceptable levels of congestion. Traffic modelling has yet to be completed in order to demonstrate what the impact of the changes are likely to be, and strong evidence will be required to support the levels of mode share being promoted by the strategy.</p> <p>Active travel (walking and cycling);</p> <p>The strategy is generally supported and is considered appropriate to improve walking and cycling connectivity within the district. As with bus infrastructure, the impact from junction alterations or reallocation of road space to accommodate the walking and cycling improvements proposed will need to be considered within the traffic modelling.</p> <p>Rail Improvements;</p> <p>Measures to improve access to railway stations and providing additional facilities to encourage walking and cycling to these is supported. The County Council is also in support of lengthening the platforms at Sturry and Canterbury West to accommodate the full length of the trains that stop at these stations.</p> <p>Park & Ride;</p> <p>As commented already, the expansion of the Park and Ride offer is supported and will need to be promoted as an attractive alternative to accessing Canterbury by private car and using the city centre car parks. This will need to be complimented by low pricing and removal of city centre parking.</p> <p>Incremental approach to implementation;</p> <p>It is agreed that an incremental approach is necessary in order to follow the “monitor and manage” methodology for the implementation of the interventions proposed, based on the success of the strategy. It will need</p>	

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	<p>to be demonstrated that achievable mitigation or measures can be delivered to address targets not being met.</p> <p>Short term 2025 to 2030;</p> <p><i>Parking Strategy measures</i> – Low parking charges for the Park & Ride are essential to capture vehicles that would otherwise continue into the city centre to use the car parks there and be closer to their final destinations. This does need to be complimented by the removal of most of the city centre car parking, except for an appropriate level of disabled spaces, and replaced with Park and Ride capacity.</p> <p>The strategy advocates removal of 10% of the city centre public car parking, but this may not decrease traffic levels being drawn to them enough to release sufficient highway capacity on the ring road and approaches to accommodate local plan growth.</p> <p>It is considered that city centre public car parking will still generate traffic movements through the most congested parts of the network, and a 10% reduction in parking capacity may not actually reduce the attraction of driving to the city centre. This is particularly relevant as the car parks are still likely to have excess capacity during the AM, and to a lesser degree, PM peak hours when the operation of the of the highway is most stressed. The County Council is concerned that the reduction proposed will not be sufficient to deter enough traffic from accessing the city centre. It is appreciated that disposal of car parks will form part of the medium-term strategy, but the earlier implementation of more comprehensive reduction will also indicate the success of such measures to evidence moving forward.</p> <p><i>Bus strategy measures</i> – The measures within the short term are supported, but the wording may need to be amended so as not to restrict those bus priority schemes that remove road space in the wider sense, such as on-street parking, rather than those that remove traffic lanes from dual carriageway sections. The wording should not be such that it would exclude the Wincheap gyratory scheme from being delivered in the short term.</p> <p>Medium term 2030 to 2035;</p> <p>The County Council cannot as yet confirm whether these proposed schemes are likely to be acceptable as the traffic modelling has not been completed and the mode share evidenced. The impact of these needs to be fully assessed and this may inform whether other interventions are required.</p> <p>Long term 2035 to 2040;</p> <p>The County Council is generally supportive of the long term measures proposed. However, consideration of reallocating road space will need to demonstrate through traffic modelling that the impact can be accommodated on the highway network.</p> <p>Whitstable and Herne Bay;</p> <p>Although it is appreciated that they are contained with the draft Canterbury District Local Plan, and in the Highway infrastructure schemes chapter, no mention has been made within this chapter of the proposed east facing slips. It would be appropriate to acknowledge the highway infrastructure proposed.</p> <p>Highway infrastructure schemes;</p> <p>The infrastructure associated with the A2 slips and Merton Park is still under consideration, and it has not been determined whether the committed “Fourth slip” at Wincheap should be replaced with an alternative one directly accessing the development. The description of the key infrastructure will need to be amended.</p> <p>Measuring Success;</p> <p>Further evidence is required in order to justify the mode share forecasts that are expressed in this chapter, and the traffic modelling has yet to be completed to demonstrate whether traffic volumes and congestion are predicted to reduce on the district’s roads. The County Council will be able to comment further on this once the supporting traffic modelling is completed.</p> <p><u>PRoW</u></p> <p>As with all consultations reviewed, the County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve Public Rights of Way (PRoW) in the county.</p> <p>This Strategy is welcomed in principle by the County Council. Its aims include ensuring access to sustainable transport and convenient Active Travel opportunities, which are a key ambition for the Council. However, County Council seeks clarification on a number of points and recommends changes as follows.</p> <p><i>Policy context</i></p>

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	References to the NPPF and Kent County Council's 'Framing Kent's Future' strategy for 2022-2026 are welcomed as being appropriate frameworks within which to promote a strategy. The County Council recommends that the Strategy is flexible to be able to adapt moving forward.
	Paragraph 3.2, the County Council recommends the following amendment: <i>"The NPPF policies on promoting sustainable transport state that planning policies <u>and decisions</u> should support the provision of facilities and amenities that reduce the need to travel <u>unsustainably</u>: ..."</i> ;
	The County Council welcomes acknowledgement of the County Council Local Transport Strategy and the KCWIP. The County Council expects to be involved in the on-going development of both as well as delivery of infrastructure around the district Pro network.
	<u>Overview</u>
	Paragraph 4.3, the County Council welcomes the 'Hierarchy of Transportation modes' as a guiding principle in the Draft Local Plan and this Strategy.
	<u>Active travel (walking and cycling)</u>
	The concept of 'Active Travel' is acknowledged and referred to in general terms but not clearly defined. The County Council recommends the <u>definition</u> used by the Council for its Active Travel Strategy for consistency across the county.
	Paragraphs 6.4 and 6.7 – these paragraphs state developers will provide walking and cycling links to and through new developments that are more convenient than driving. The County Council considers it would, ordinarily, be preferable for developers themselves to deliver infrastructure to standards agreed with both the local highway and planning authorities; but accepts there will be occasions when it is appropriate to only accept provision in terms of allowance on otherwise undeveloped land and/ or a financial contribution to the final costs of provision. The City Council is requested to confirm.
	Paragraphs 6.4 and 6.7 - it is welcomed that both paragraphs state <i>"Where [walking/ cycling] links are not on the highway we will require an agreed maintenance regime or commuted sum to cover this"</i> . The County Council supports the principle that a developer should fund infrastructure it relies on to secure the grant of planning permission.
	<u>Accessibility</u>
	Paragraph 9.1, the County Council strongly supports recognition of the needs of disabled persons for their future safe and convenient access around the district. The County Council wishes to highlight that disabilities affecting access users are broader than just mobility impairment; for example, sight impairments. The City Council is encouraged to ensure that all future schemes are developed with the support of relevant organisations to ensure provision reaches the widest possible audiences.
	Paragraph 9.3, checking that walking and cycling routes do not disadvantage disabled users implies the existing routes will be modified where considered necessary; however, clarity is needed on who will make such decisions, who will deliver any agreed modifications, also who will fund such modifications.
	Paragraph 9.4, the County Council agrees it is essential to ensure footways, PRow routes, and other access routes are free of encroachments and obstructions for users' safety and convenience.
	<u>Strategic development sites</u>
	Paragraph 10.1, the County Council recommends that the first comma should be removed for this sentence to read as believed intended - <i>"Sites that are close to existing bus routes, or where bus routes can be adapted have been selected, and developers will be expected to provide suitable cycle links beyond the development boundary."</i>
	<u>Short term 2025 to 2030</u>
	The <i>"construction of cycling and walking schemes"</i> , is welcomed. However, the County Council expects, for cycling improvements to also be funded and confirmation that LUF projects can and will include schemes utilising the PROW network.
	<u>Medium term 2030 to 2035</u>
	The County Council welcomes the various measures to improve walking and cycling routes and their connectivity with each other and to alternative modes.
	<u>Long term 2035 to 2040</u>
	The County Council welcomes delivery of walking and cycling schemes within the KCWIP.

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	<p><u>Whitstable and Herne Bay</u></p> <p>Paragraphs 15.1 and 15.6, the County Council supports delivery of the KCWIP and improvements to the Crab & Winkle Way cycle route.</p> <p>Paragraphs 15.5 for clarity, the County Council recommends this states Whitstable as the town in question.</p> <p>Paragraph 15.9 for clarity, the County Council recommends this states Herne Bay as the town in question.</p>
	<p><u>Draft Canterbury District Bus Strategy</u></p>
	<p><u>Highways and Transportation</u></p> <p><i>Vision, aim and objectives;</i></p> <p>The vision, aim and objectives are supported by the County Council in order to encourage significant mode shift to public transport, so that reliance on the use of the private motor vehicle is reduced and pressure on the highway network to accommodate growth can be minimised. This will need to be supported by strong measures to make public transport a more attractive option over car, and be reliable and safe for users in the short and long term with the provision of services retained indefinitely. The viability of retaining services will need to be robustly demonstrated and the success of modal shift monitored. Further work is required to in order to further encourage modal shift and the County Council would like to continue to work with the City Council to ensure this takes place.</p> <p><i>Strategy Interventions</i></p> <p><i>Initiative K2</i> – This initiative proposes interactive screens in new developments. It is not clear whether these would only be located at the proposed transport hubs or within a neighbourhood centre. In any case, these should not be limited to new developments, and the strategy should aim to provide a network of these throughout the district.</p> <p><i>Initiative K8</i> – The national £2.00 bus single fare only has a limited period in which it is being funded. It is likely that this price cap will not be available in the future, so cannot be relied upon unless other funding sources are secured.</p> <p><i>Initiative J2/K1</i> – As above, fare subsidies will need to be funded. Developers already pump prime new services and the bus network has declined with many services being reduced or stopped as funding ends. The City Council must demonstrate how subsidies will be able to continue when the £2 cap nationally ends, given the increasing financial pressures Local Authorities are now finding themselves in. Unrealistic expectations should not be included.</p> <p><i>Initiative K7</i> – Other than CCTV, which is already in use, the strategy should identify what other interventions can be provided, as it is essential that viable and effective actions are taken to encourage the public to use buses.</p> <p><i>Initiative K11</i> – The funding source and body responsibly for the maintenance of the shelters and the additional infrastructure that may be provided to make the wait a more comfortable experience should be identified. As this could include items such as litter bins, seating and lighting that different organisations can be responsible for, the financial burden may affect a number of these.</p> <p><i>Infrastructure</i></p> <p><i>Reallocation of road space for buses/Junction improvements</i> – Any reallocation of road space away from private vehicles or bus priority measures will need to be robustly evidenced to demonstrate that the anticipated modal shift has already largely taken place and that other motor vehicles will not be severely impacted in terms of queue lengths and congestion.</p> <p><i>Operations</i></p> <p><i>Service Enhancements J6 & J7</i> – These needs to be explored in more detail the demand in rural areas is often insufficient to justify the current services, and will be harder to provide improved frequencies. Unless sustainable, increasing services to accommodate extremely low patronage will soon come under pressure. It should be recognised that the need to travel is diminishing with supermarkets offering home deliveries, internet purchases and food outlets now relying much more heavily on meal delivery partners.</p> <p><i>Targets and Monitoring</i></p> <p><i>Mode shift/Patronage targets</i> – Robust evidence will need to be provided to justify the ambitious targets used, so these can be considered as achievable. Many factors will influence the change in patterns and be specific to local circumstances, so like for like comparisons or other strong supporting information is required to underline this.</p>

Policy/Paragraph	Commentary
	<p>Key challenges and opportunities:</p> <p><i>Congestion</i> – The routes identified in paragraph 2.9 as congestion hot spots are likely to see higher levels of congestion with the removal of road space and introduction of bus priority measures without a significant shift in mode share or other measures/highway infrastructure to provide mitigation. The interventions suggested as opportunities to reduce congestion must be robustly evidenced to gain the support of the Highways Authority, as we would not support a strategy that is likely to cause more congestion and would affect both private vehicles and buses that would be caught in the same queues.</p> <p><i>Customer experience</i> – Tackling anti-social behaviour is a significant challenge and key to encouraging the take up of public transport. Viable measures should be put forward to deal with this, and the use of Community Support Officers and Wardens explored to regularly supervise those bus routes known for anti-social behaviour. Identifying those involved and being able to take action retrospectively should also be investigated, and even the presence of a uniform can often act as a deterrent.</p> <p>Chapter 3 – Bus services in Canterbury:</p> <p><i>Access to bus service</i> – Paragraph 3.4 notes that 64% of the population within Canterbury are within 400m of a high frequency bus corridor that provides greater than 4 buses per hour during the AM peak., though this drops significantly on a weekday evening and Sunday daytime. Given that the greatest impact on congestion and traffic would be expected during that peak hour, it will be vital to demonstrate why modal share would increase by as much as is being promoted during that period. To understand this, the reasons why those with the potential to use high frequency bus services for their journeys do not currently do so, and why they would realistically change their behaviour in future.</p> <p><i>Journey times and reliability</i> – Modal shift is expected with improvement to journey times using the bus, if making it more competitive with the private car, but this will only be possible provided the highway network isn't congested to the extent that it delays buses and prevents them from accessing the dedicated bus infrastructure. As the traffic modelling has yet to be completed, the impact on the road network cannot be understood at this time, so it is not known whether buses will be stuck in the same queues as the other traffic and be unable to access the bus lanes. In the case where cross city services or hopper buses are proposed that have routes on local roads without any bus lanes or priority, they will be even more prone to delays and this will affect their attractiveness over the private car.</p> <p><i>Bus Fares</i> – As already noted the £2 single journey bus fare cap was introduced. While this is a current incentive, the future availability of this scheme is not guaranteed. It is agreed that it does provide an early opportunity to encourage increased patronage, but subsidies for passengers will play a significant role in the success of the bus strategy. The potential future funding of these subsidies have been identified in the funding chapter (7) of the strategy, but the costs will need to be evidenced.</p> <p><i>Park and Ride</i> – The expansion of the Park and Ride offer is supported provided that it is promoted as an attractive alternative to accessing Canterbury by private car. It is noted that the document acknowledges the relatively low demand of the existing facilities in comparison to the city centre car parks, and that there are opportunities to expand capacity. The current usage suggests that demand is unlikely to increase unless motorists are no longer drawn into using the city centre's public car parks, which will need to be enabled through the removal of much of that parking and a competitive low pricing strategy for the Park and Ride.</p> <p>Chapter 6 – Short list interventions:</p> <p><i>Infrastructure</i> - The interventions have been discussed above. However, it should be reiterated that the delivery of infrastructure reallocating road space and signalling junctions for bus priority can only be supported where these would not have an unacceptable impact on congestion for the local highway network.</p> <p><i>Operations</i> – Interventions listed in section 6.6 to enhance bus services and expand the Park and Ride provision are welcomed, as they present the opportunity to enable more journeys to be taken by bus and reduce the number of vehicles entering the city centre. As has been commented on throughout, the effectiveness of these will be dependent on many factors that will influence travel behaviour. In the case of the bus service enhancements, the long term financial viability to support these indefinitely will need to be robust.</p> <p><i>Supporting interventions in Canterbury's 2025-2040 transport strategy (Short term)</i> – Increased parking charges in areas of the highest demand should only refer to the city centre and town centre car parks as there may be high demand in the Park & Ride sites, but low parking charges should be promoted in those facilities.</p> <p><i>Supporting interventions in Canterbury's 2025-2040 transport strategy (Medium term)</i> – Associated with the extension of residents parking zones, there should be incentives to encourage residents to use the bus. Consideration could be given to providing discounted bus travel to all residents who have a parking permit. It is likely that many visitors from further afield will anticipate high city centre parking charges if they are staying longer than a couple of hours. They will probably pass a Park & Ride site on their way into the city, whereas those residents who want to travel from one side of the city to the other are more likely to opt for the private car unless otherwise persuaded.</p> <p>Chapter 7 – Funding:</p> <p><i>Funding sources</i> – The potential funding contains a mix between indefinite sources such as local rates and levies, to what would effectively be one-off payments from developer contributions towards S106 /CIL. While some elements of the interventions such as highway infrastructure can be delivered in full within the expected budgets, the funding to maintain bus services and subsidies to the level proposed will have to be an ongoing commitment. As evident in the past, pump priming can support the initial running of new and enhanced services, but if they do not become commercially viable, there will be the risk that these services will</p>

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Policy/Paragraph	Commentary
	<p>be reduced or withdrawn. How the continued funding required to support those services can be secured, must be demonstrated.</p> <p>Chapter 9 – Delivery plan:</p> <p><i>How Much</i> – It is appreciated that the costs associated to the interventions in tables 9.1 to 9.3 are broad cost ranges. It is not clear how these broad costs have been derived for each intervention, and whether ongoing funding of services is built into the financial model or this is assumed to be pump priming only.</p> <p>Chapter 10 – Monitoring and evaluation:</p> <p><i>Potential impact</i> – Paragraph 10.4 refers to research of other UK cities with similar attributes to Canterbury, and suggests that evidence would indicate the interventions may reduce bus journey times by 20-23% while impacts to private journey times are likely to be only marginally impacted. This may be misleading as the traffic modelling has not been completed yet to show what impacts the reduction in road space will have on the queue lengths for the private cars. The County Council as the Highways Authority does not agree that it will be only marginally affected at this time.</p> <p><i>Targets</i> – Further supporting evidence is required in order to justify the mode share targets shown in tables 10.1 and 10.2, so these can be considered realistic and achievable. The science behind how they have been derived should be set out, and with details of whether such changes have been experienced elsewhere, including what the key drivers were to persuade people out of their cars.</p> <p><i>Monitoring</i> – The continual monitoring of the success of the strategy is to be measured using fleet-sensitive cameras, which does not appear to feature in the infrastructure list. It is therefore not clear whether it has been included in the funding assumptions, or who will be responsible for the maintaining it. Clarity is sought on this matter.</p>
	<p><u>Draft Canterbury District Open Spaces Strategy (2024)</u></p>
	<p><u>PRoW</u></p> <p>This Strategy defines Public Open Space (POS) as per the Town and Country Planning Act 1990 definition, being “any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground” (p4).</p> <p>The County Council considers the PRoW network is included by this definition given many people use individual PRoW for their recreation, health, and wellbeing. The Strategy, however, has not acknowledged the PRoW network for either its current use and the benefits to users or the future enhancement of the lives of the district's residents and visitors. Furthermore, the limited uses of 'path' and 'route' within the document do not encourage recognition of the PRoW network or assess the role it could play in satisfying the NPPF. The 'Summary of context' (p9) states the advantage of POS for people's physical activity and for climate change resilience, and concludes that good access is important - the County Council agrees with this statement and, consequently, would expect the PRoW network to be recognised in the Strategy, including assessing the contribution it can make to the Strategy's ambitions.</p> <p>The County Council questions when preparing this Strategy whether PRoW is being considered solely in terms of being a public highway and being a means of access / communication / transport, and thereby to recognise it solely within the Local Plan and the Transport Strategy. It could, therefore, be appropriate to acknowledge the network within this Strategy but for management and/ or enhancement of the network to be considered within the future Local Plan and Transport Strategy. Creation of new PRoW, uplifting the status of existing PRoW, and improving the quality of existing PRoW such as with new surfaces, increased width, and enhanced signage, could all deliver to this Strategy's ambitions in addition to those of the Local Plan and the Transport Strategy. The County Council requests that the City Council could review the role and profile of the PRoW network within its Draft Open Space Strategy 2024-2040</p> <p><u>Heritage Conservation</u></p> <p>The current text discusses green open spaces but doesn't appreciate the role of Canterbury's heritage in developing green infrastructure. If properly designed, green infrastructure has the potential to help new development be better integrated into the existing rural and urban landscape by ensuring that it fits into the grain of what is already there. The pattern of roads, tracks and lanes in the district has been used for centuries to link Canterbury's towns, villages, hamlets and countryside. By taking advantage of these existing and historic routeways people will be able to move through the area while retaining the historic geography of the region, but also following routes more likely to be accompanied by historic hedgerows and planting. This has the potential to unite heritage and ecology to help people access and enjoy green infrastructure more easily and naturally.</p> <p>Using historic routeways also allows green infrastructure designers to incorporate heritage assets to provide features of interest. In turn this will help people accessing the green infrastructure to become more aware of and value Canterbury's heritage which will in turn assist their conservation and re-use. For example, areas such as the Stour Valley, coastal promenades and the parks and gardens of Canterbury itself could all be linked in the green infrastructure network. This would also support tourism and well-being in the district.</p> <p>To fully appreciate the district's landscape character and incorporate it into green infrastructure 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. An example of this in</p>

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	<p>Kent is the Hoo Peninsula.</p> <p>Green infrastructure 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.</p> <p>Canterbury has an outstanding collection of parks, gardens and green spaces, within Canterbury itself and across the district. It is important to assess the historic contexts of these in order to understand the role that they play in the landscape and could play in Green Infrastructure networks. The County Council has for the past few years worked closely with volunteers from the Kent Gardens Trust to review sites in the Kent Gardens Compendium and elsewhere and bring the reports up to a standard appropriate for use for planning purposes and potentially for inclusion in a Local List. The County Council strongly recommend that the City Council consider implementing a similar project.</p>
<p>Draft Sustainable Design Guide</p>	
	<p><u>PRoW</u></p> <p>The County Council notes that this document makes only passing references to public access. However, it is welcomed that the guide acknowledges the contribution good design can have on promoting healthy lifestyles by making walking, cycling and low-carbon travel modes easy, safe and accessible, and providing or contributing towards a comprehensive green and blue infrastructure network (see Draft Local Plan Policy DS6, 10(d-e)). The County Council welcomes, also, reference to the Kent County Council's 'Framing Kent's Future' strategy for 2022-2026 (p9).</p> <p>The need for a Construction Environment Management Plan (CEMP) is supported; however, and in addition to environmental and waste aspects mentioned in Section 4.3, the County Council expects CEMPs to include recognition of local walking and cycling access, identifying the impact of development on those routes, and detail how each will be managed during construction to protect the public's safety and maximise their on-going convenience during the period.</p> <p>A list of information required to be submitted with future planning applications has been included in Section 9 (pp27-30).</p> <p>Section 9.4 - Waste and transportation (p29) encourages applicants to “<i>advise how active travel has been considered and encouraged in the design process</i>”. Cross reference with Section 6, where reference should be included to Active Travel is recommended. It is also recommend that a definition of Active Travel is included - the definition used by the County Council for its Active Travel Strategy is encouraged for consistency across the county:</p> <p>A Glossary could assist with understanding terms used within the guide and this is recommended to be included.</p>
<p>Draft Infrastructure Delivery Plan 2024</p>	
	<p><u>Development Investment</u></p> <p>The draft makes clear that Education and community infrastructure will be funded via section 106 – this is welcomed by the County Council.</p> <p>Ref IB1 – IB9 and ID1 to ID4 – no base date is recorded for the 'Estimated Cost' Section. For these references it is Q1 2022 – this should be updated within the drafting of the IDP.</p> <p>Within Part B, Schedules – the County Council's requirement for section 106 contributions towards expansion of necessary Household Waste Recycling Centres serving the new developments has been omitted from the draft IDP. This should be corrected.</p> <p>Waste management is mentioned in Paragraph 2.1 but Waste infrastructure has been omitted from further discussion/detail in the rest of the IDP – The County Council request that this should be rectified and appropriate reference made.</p> <p>Whilst the definition of Public Services (within the Draft Local Plan) includes Waste Management, individual strategic allocation policies refer to proportionate contributions towards primary healthcare and other necessary off-site <u>community</u> infrastructure. Inclusion of the County Council requirements should either site in Public Services and therefore, strategic site policies amended to include contributions to waste or to list waste under Community Services within the IDP.</p>

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24 May 2024

Dear Sir / Madam

Re: Dover District Local Plan 2040 – Main Modifications Consultation

Thank you for consulting Kent County Council (the County Council) on the Dover District Local Plan 2040 Main Modifications.

The County Council has reviewed the consultation documents, including the Sustainability Appraisal for Main Modifications (ED52) and Habitats Regulation Assessment 2024 (ED53), in addition to a Schedule of Policies Map Modifications arising from the Main Modifications (ED51). This letter has been provided as confirmation that the County Council has no comments to raise on the Main Modifications consultation.

The County Council welcomes the engagement that has taken place throughout the preparation of the Local Plan and its Examination. The County Council now looks forward to continued collaboration between both Authorities in its delivery and implementation.

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

Yours faithfully,



Stephanie Holt-Castle
Director - Growth and Communities

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BY EMAIL ONLY

17 April 2024

Dear Sir / Madam,

Re: Consultation on the Draft Royal Tunbridge Wells Town Centre Plan – Vision 2040

Thank you for consulting Kent County Council (hereafter referred to as the County Council) on the Royal Tunbridge Wells Town Centre Plan – Vision 2040.

The County Council has reviewed the consultation document and has provided commentary below.

Highways and Transportation

The County Council, as Local Highway Authority, supports the 'Vision' of the Plan with regards to transport and movement. The County Council is also supportive of the key principles and ambition where these coincide with policies under development for the new Kent Local Transport Plan. Whilst the Town Centre Plan is currently at a high level, the County Council would like to see further details in order to understand the impact of the proposals where they affect the highway network. The County Council is keen to work with the Borough Council to ensure that proposals are brought about safely and where junction improvements, public realm initiatives, highway trees and road space reallocation is proposed, the County Council, as Local Highway Authority, can assist in understanding the impact and suitability of the proposals and if additional mitigation will be needed.

The County Council considers that a Transport Assessment would be helpful to identify the potential modal shift arising from the new pedestrian, cycle and public transport infrastructure, the redistribution of traffic arising from the proposals and the impact on the highway network. This would benefit from the use of a microsimulation transport model such as Vissim and junction capacity assessment software. The County Council, as Local Highway Authority, can assist with this via use of the Kent Transport Model service and would welcome engagement in the consideration of the scoping of a new Transport Assessment.

It should be noted that where highway trees are to be impacted or new highway trees proposed, engagement should take place with the County Council Landscaping Service¹.

Public Rights of Way (PRoW)

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 highways known as Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic, each of which are recorded on a relevant Definitive Map. 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](#) strategy for 2022-2026. The County Council is seeking to ensure its residents enjoy 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.

The County Council supports reference to Policy STR/RTW 2 (of the submitted Local Plan 2021 - 2038) which will give strong policy direction in support of enhancements within the public realm – including measures such as the creation of pedestrian and cycle-friendly environments and linkages with adjacent Low Traffic Neighbourhoods. The consultation document states the town will, amongst others, provide *“more and better cycle infrastructure and storage facilities”* and redefine its streets *“into high quality spaces where active travel, public transport and shared mobility are the natural and convenient choice for most journeys”*. This is supported by the County Council.

The County Council seeks to protect and enhance the PRoW network, which does exist within the Plan area. These can be identified using the County Council [online mapping tool](#). Furthermore, there are some Promoted Routes entering the Plan area which should be identified and recognised accordingly.

The County Council is also keen to ensure consideration of wider PRoW principles and provision of accessible routes, particularly for cyclists and walkers, so as to achieve the goal of a high quality of life for residents and visitors. The County Council considers further work is required to identify a town-wide Active Travel strategy alongside specific deliverable schemes. Active Travel schemes must deliver to an overarching and integrated strategy and must not compete with, or contradict, each other.

The County Council would welcome joint working in respect of projects where the PRoW network is involved, and this partnership working should be recognised within the Plan, with an understanding of the roles and benefits that different parties can bring to a scheme. Furthermore, the County Council recommends that the Plan should seek to identify early sources of funding.

In reviewing the various sites as shown within the Interim Town Centre Sites Assessment, the County Council identified only one that may impact on a PRoW – TC1, The Russell

¹ EE.SoftLandscapeTeam@kent.gov.uk

Hotel. Public Footpath WB64 runs adjacent to the site and the County Council will need to be consulted early in any scheme development, especially where there are any changes to the status of the public highway.

It is considered the Plan could be enhanced with the introduction of a Glossary. PRow are acknowledged within the Plan but not currently defined and this is recommended to ensure understanding of the PRow network. The principle of Active Travel is referenced throughout the Plan and this should also be defined - the definition used by KCC for its [Active Travel Strategy](#) is encouraged.

Sustainable Urban Drainage Systems (SuDS)

The County Council, as Lead Local Flood Authority, is pleased to note that consideration of the installation of 'blue infrastructure' has been included within the Connected Landscapes section and would strongly encourage its consideration and use in any future proposals associated with the Town Centre. It is also encouraging to note that green roofs and sustainable building design are considered within the Town Centre Living section. With specific regard to the Town Centre Living section and 'buildings', the County Council would encourage the Borough Council to consider what could be retrofitted to existing properties such as Borough Council buildings and managed infrastructure. For example, it is possible to retrofit green roofs to existing structures such as bus shelters and cycle stores, as well as conventional built structures.

However, the County Council is disappointed to note that the Plan itself has limited regard to the opportunities to install Sustainable Drainage Systems as part of any public realm improvement scheme, particularly given that "*Flooding and increased risk of the effects of climate change*" are specifically detailed as a threat to the built environment. The County Council would request that consideration be given to the requirement for the installation of SuDS systems alongside any public realm improvement scheme. Whilst always preferable, the County Council would highlight that these do not necessarily require above ground 'green systems' but that there are also features and methods which allow for SuDS systems to be installed in such a way so as to be unobtrusive and space efficient. These include the use of permeable paving combined with an underground attenuation system which can provide significant benefits to flood risk without affecting on street parking provision.

The County Council would also highlight that there appears to be no mention of the application of the sequential test as required by the National Planning Policy Framework with regards to the Town Centre Sites allocation, specifically site TC12, Torrington Car Park. The Lead Local Flood Authority would remind the Borough Council of the requirement for this to consider the risk of **all** forms of flooding with regards to the suitability of a site for development in relation to its Flood Risk Vulnerability classification. It is the County Council's understanding that the exemption for the test requirement associated with a change of use only applies whereby building footprints are not altered.

The County Council would also expect reference to be made to both the Surface Water Management Plan and Strategic Flood Risk Assessments for Tunbridge Wells within the Plan as well as their consideration in the determination of available sites and indeed required

improvements which could be undertaken as part of a public realm/built environment improvement scheme.

The County Council, as Lead Local Flood Authority, is willing to engage to discuss the points raised or to investigate possible SuDS solutions that could be installed within any of the Town Centre quarters detailed in the Town Centre Plan.

Heritage Conservation

Tunbridge Wells has a unique history in Kent as a spa town and resort established in the 17th century. As such it has a unique built environment that largely retains its character and integrity. The town is also located in the High Weald, one of Europe's outstanding medieval landscapes and so it is surrounded by a rich historic landscape, and includes archaeological sites from earlier periods. It is some years since its overall built and archaeological heritage, and links to the historic landscape, have been considered holistically. The latest is the [2004 Historic Town Survey for Tunbridge Wells](#). A revision of this report is required, and the Town Centre Plan provides an opportunity to do so. A revised Town Survey could bring together the built heritage and other data, describe the evolution of the town using the most recent interpretation of the information, and identify opportunities for heritage enhancement as well as locations for conservation. An example to follow could be that of [Oxford](#). The County Council would be happy to discuss this further with the Borough Council.

The County Council would draw attention to the importance of the consideration of design at an early stage the town plan development so that the character of an area such as Tunbridge Wells is retained. It would be helpful if any guidance that the Borough Council intends to refer to is mentioned in the draft document so the requirement to follow it is made clear to those preparing development proposals. The County Council would welcome discussions regarding the content of any design guidance as it would be useful to explain requirements for archaeological evaluation within it.

Although the Town Centre Plan covers central Tunbridge Wells, and thereby an area that has already been largely developed, there is still the potential to impact on archaeological remains related both to the early history of the town and to periods from before the urban settlement of Tunbridge Wells existed. At present, although the heritage of the area is included in the consultation document, there is no mention of its potential archaeological heritage. The County Council would suggest that that page 11 be modified accordingly:

"include over 150 listed buildings, a large Conservation Area covering much of the town centre, and other distinct areas such as The Pantiles and the Calverley Grounds, which is a designated historic park and garden. There will also be undiscovered archaeological sites in the town, related to both the early history of Tunbridge Wells and to more remote periods."

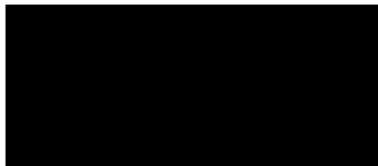
In respect of page 13 of the Plan, 'Background', the consultation document could usefully refer to the [Tunbridge Wells Historic Environment Review](#) that was developed in 2018 to support policy development. The County Council is unclear as to whether the Heritage Strategy that was intended to follow the Review was ever actually developed. If so, it should be referred to here. If not, the Plan could usefully contain a commitment to do so.

In respect of page 14, 'SWOT analysis', Tunbridge Wells undoubtedly contains undiscovered archaeological remains. Indeed, the lack of understanding of Tunbridge Wells' early history provides an opportunity to engage residents in its study. The SWOT analysis could therefore be amended to:

Heritage value – numerous historic buildings, conservation area and registered park/gardens, undiscovered archaeological remains.

The County Council would welcome continued engagement as the Town Centre 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 – Growth and Communities

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10 May 2024

Dear Sir / Madam,

Re: Consultation on the Draft Wealden (Regulation 18) Local Plan

Thank you for consulting Kent County Council on the Draft Wealden (Regulation 18) Local Plan.

The County Council draws attention to the need for engagement between Kent County Council, Wealden District Council and East Sussex County Council regarding development which is proposed on the boundary between Kent and Wealden. To date, there has been limited engagement with Kent County Council and it would therefore ask that cross boundary matters are addressed at this early stage to ensure that adequate infrastructure is available to support new and existing communities within Wealden and Kent. It is also asked that Wealden District Council engage with the County Council in line with the Duty to Cooperate ahead of further progression on the Local Plan.

The County Council has reviewed the consultation document and has provided commentary below.

Highways and Transportation

The County Council, as Local Highway Authority for Kent, considers that it is evident that there are a number of development parcels included within the consultation which both separately and cumulatively will impact on the Kent highway network. The consultation includes transport evidence and the County Council would ask that this be extended to assess the impact of the development in Kent and particularly in the neighbouring Tunbridge Wells borough. It is requested that the transport modelling is agreed with Kent County Council, as Local Highway Authority for Kent, and includes safety assessments where there are any significant increases in traffic. Where significant additional congestion and/or safety issues are identified, mitigation measures should be brought forward for agreement with Kent County Council.

Public Rights of Way (PRoW)

Kent County Council is providing commentary given the likelihood of cross boundary interactions across the PRoW network, especially where proposed sites within the Plan border Kent. The County Council is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the [KCC Rights of Way Improvement Plan \(ROWIP\)](#) and the [KCC 'Framing Kent's Future' strategy](#) for 2022-2026.

The County Council specifically notes proposed development at both Frant (Site 26 - 457 new residential dwellings) and Groombridge (Site 27 - 21 residential dwellings) given their proximity to the Kent boundary. The accompanying population increase could amount to 1,500 or more new residents who, given the proximity of Tunbridge Wells (in particular) as a destination for services, leisure, work and more, could reasonably seek to access facilities in Kent, thereby increasing the demand on the management of access routes. Kent County Council therefore requests that development at these sites must be required to submit a transport statement and sustainable travel plan as part of any planning application, with consideration of the impact on the Kent PRoW network.

Regarding Frant (Site 26), Kent County Council recommends that Site Reference FR1 - Land at Benhall Mill Road, recognises the existence of Public Footpath FRT/12/1 in East Sussex and Public Footpath WB49 in Kent which adjoin the site and conjoin to form a through route linking Benhall Mill Road and Forest Road respectively. In the event this site is developed, the County Council considers that it is appropriate to consider upgrading the status of these paths in order that a public cycle right exists to facilitate improved Active Travel opportunities. Mitigation of the impact of an increased number of users on Public Footpath WB49, which can reasonably be expected in the event of development, will be necessary as a minimum. As to Site References FR2, FR3 and FR5-7, whilst no existing PRoW appear to be in close proximity, Kent County Council will expect proposed development to carefully consider and provide for Active Travel means, thereby supporting efforts within Kent to encourage greater walking and cycling.

Regarding Groombridge (Site 27) and the specific site proposed within it, Site Reference WIT1 - Land south of Back Lane and to the west of railway line, the development could increase demand for use of Public Footpaths WT109 and WT431 in Kent, for access into Groombridge Place, towards Langton Green and into Tunbridge Wells itself. In the event this site is developed, Kent County Council will expect proposed development to carefully consider and provide for Active Travel means and to mitigate damage arising from increased use of these paths.

Kent County Council would also like to provide some general and informative comments on the Plan in respect of PRoW:

- Kent County Council welcomes the Plan's Vision in terms of its scope for the PRoW networks of both East Sussex and Kent to positively contribute to Wealden District's future. In respect of Policy DE1: Achieving well designed and high-quality places, Kent County Council supports the focus on sustainable transport choices.

- A definition of Active Travel and PRow is encouraged within the glossary. The definition for Active Travel encouraged by Kent County Council can be found [here](#). Kent County Council would encourage references through the document to be amended to PRow rather than “public footpath”, to capture use of the routes by other modes, for example cycling.
- Kent County Council supports the delivery of infrastructure ahead of completion of development to ensure there is no unnecessary disruption, and measures to support changing behaviours around modal shift from the outset. Furthermore, Kent County Council supports proposals to improve existing PRow, including both local and strategic routes.

Education

The emerging Local Plan includes 477 dwellings within Wealden but adjoining Tunbridge Wells town. For residents of these new homes, the schools within Tunbridge Wells are likely to be the nearest and it is foreseeable that the residents would apply to schools within the Kent area rather than those within the East Sussex area.

Kent County Council, as Local Education Authority for Kent, requests that the site policies for these proposed allocations include specific requirements for the education impact to be assessed and mitigation agreed with Kent County Council, if it is demonstrated that there is not sufficient capacity without additional school places within the Kent area. Kent County Council would request that this must take place prior to homes being granted planning consent and will require the County Council being provided with the full capital cost of providing the additional school places via Section 106 development contributions.

Kent County Council would welcome continued engagement as the Local Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours faithfully,

A black rectangular redaction box covering the signature of Stephanie Holt-Castle.

Stephanie Holt-Castle
Director – Growth and Communities

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Growth and Communities

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BY EMAIL ONLY

26 June 2024

Dear Matt,

Re: Outline application with all matters reserved for a proposed development at land south and east of Sittingbourne, Kent [application reference: 21/503914/EIOUT]

Thank you for consulting Kent County Council (the County Council) on the outline planning application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorspace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorspace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works.

The County Council notes that this application has been submitted alongside a related proposal for land to the west of Teynham Road (reference 21/503906). A separate response is being made in respect of that application, and where appropriate, the cumulative impact of these two applications is considered. Commentary will make it clear where this is the case.

The County Council draws reference within this response to the prior responses submitted in respect of this, and the related land to the west of Teynham Road application – these

responses were provided on 30 November 2021 and 1 March 2023 and are available on the planning application portal for reference.

In summary, and in considering the application as it currently stands, the County Council raises a **holding objection** on the following grounds:

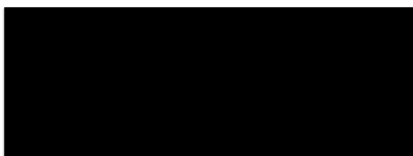
- The proposal requires appropriate modelling and information to provide the County Council, as the Local Highway Authority, with an adequate understanding of the impact of the development in respect of highways and transportation and necessary mitigation measures to be implemented. The response below sets out clearly the actions required from the applicant.
- The changes made to the application do not reflect prior comments or advice from the County Council as Local Highway Authority responsible for the Public Rights of Way (PRoW) Network. The amendments / additional information do not alter the significant adverse impact on the recorded PRoW Network and the significant loss of open countryside. There is a clear need for discussions and contributions towards the incorporation, improvement and management of the PRoW network given the scale of the development proposed. As such, the concerns set out in County Council responses dated 30 November 2021 and 1 March 2023 remain.

The County Council has reviewed the application in its entirety and has an extensive commentary to raise in response to the proposal, set out clearly below, in a subject chapter format. The County Council is disappointed to note that matters raised during earlier consultations have not been addressed and would urge the applicant to engage with the County Council as soon as possible to resolve the outstanding matters.

The County Council will continue to work closely with the Borough Council to help ensure the delivery of new housing and infrastructure in response to local needs, with the aim of delivering sustainable growth.

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

Yours sincerely,



Stephanie Holt-Castle
Director – Growth and Communities

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1. Highways and Transportation

Following the previous consultation response, it is noted that the Transport Assessment Volumes remain as previously submitted, and a Technical Note has now been provided to respond to the matters raised thus far. As access to Volume 7 – Traffic Impact Appraisal was not initially available at that time, no comments were provided. The comments that will be provided now therefore include a review of Volume 7.

Transport Assessment (TA) Document 3: Site Context

Highways Safety

Previous comment – “The Highways safety section is presented in a summary form only without any details of the incidents that have occurred, It is therefore not possible to review whether or not there are any patterns. Greater detail of the incidents reviewed should be presented along with any specific clustering alongside a justification for each assessment. This assessment will enable us to confirm or otherwise the conclusions made by the applicant.”

This information has still not been submitted, as the applicant considers that it is not relevant to the current stage of the application, and should be considered at the latter stages. The County Council does not agree with this position and requests that the information is provided. It is accepted that a further review can take place for the latter stages but an initial assessment is required.

Action - Greater detail of the incidents reviewed should be presented along with any specific clustering with a justification for each assessment.

TA Document 4 & 6 : Development / Highway Infrastructure Proposals

Proposed new infrastructure

It is appreciated that the application has been made in a three-tiered format, and only the principle of the development is to be considered at this first tier, and permission at this stage would not determine the access details. The information provided for the Sittingbourne Northern Relief Road (SNRR), Bapchild Link, Sittingbourne Southern Relief Road (SSRR) and access strategy are therefore illustrative only, and provide a level of detail to give an indication of where the roads, junctions and site access locations may be located, and allow assessment of the high level road network. Further detailed assessment of the local roads in the immediate vicinity would be undertaken at Tier 2 stage, together with design considerations of the highway infrastructure.

For Tier 1 assessment, the indicative road layout and junction positions are considered to be acceptable in the context of connecting to the existing highway, and the conceptual form of these junctions are appropriate, subject to detailed design at Tier 2.

Framework Pedestrian and Cycle Routes

The Framework Plan for walking and cycling routes demonstrates existing Public Rights of Way (PRoW) facilities and use of internal development roads. The only specific new PRoW feature demonstrated appears to be that of a proposed route following a similar alignment to that of the proposed SSRR but not at its northern end and, critically, it does not connect to Teynham or the train station.

The County Council could find no mention as to how these would be enhanced within the development to promote mode shift nor does there appear to be any additional PRoWs proposed. A notable omission is the missed opportunity to connect existing bridleways.

Whilst stating that there would be priority crossing facilities, most have been demonstrated on the highway layout drawings as at grade uncontrolled with no priority. Furthermore, there is no indication as to how the existing PRoWs are to cross the road infrastructure and appear to be severed and incomplete which would be significantly detrimental to promoting mode shift.

It is, however, acknowledged that much of the development is within a cyclable distance and that internal streets meeting Kent Design standards could provide opportunities within a garden village settlement for high levels of internal walking and cycling. As presented, the Framework Walking and Cycling routes appears indirect, have limited separation from internal highways and there is no priority over vehicular modes. However, it is appreciated that these details would be developed for Tier 2 and 3 applications. This would fail to be compliant with national or local policy.

No details have been provided as to where local services, schools and amenities on the Framework Walking and Cycling Framework and as such it is impossible to tell whether routes are serving them.

The County Council, as Local Highway Authority, would draw attention to Chapter 2 of this response which is focused on PRoW matters.

Action – Walking and cycling connectivity to Teynham to be improved and demonstrated.

Action – Framework walking and cycling route to demonstrate a more convenient and direct network of routes through development parcels and how they connect to schools, local amenities and transport hubs.

Action – Improvements to PRoW network to be discussed with the County Council PRoW and Access Service including the filling of gaps within the current Public Bridleway network.

Ruins Barn Road -South

A proposed shared footway/cycleway is demonstrated along Ruins Barn Road. The route is shown on the western side of the road but terminates without completing. No visibility splays have been demonstrated at the crossing point and it would appear that provision for the existing on street parking is reduced. Existing highway boundaries have not been shown.

Considering the above it is, at this stage, unclear as to the value or deliverability of the proposal.

Action – Proposal to be discussed further with the Local Highway Authority.

Highsted Road Sustainable Gateway

The junction between Highsted Road and Swanstree Avenue is proposed to operate as a bus, pedestrian/cycling only gateway. Highway boundaries are depicted in the drawing and it would appear to be deliverable within the application and highway land. The proposal is generally welcomed, however, further detail will be required on the proposed enforcement mechanism and ongoing management.

Action – The submission is unacceptable as it stands, so the County Council would ask that the proposal is discussed further with the Local Highway Authority.

Cycling

Segregated cycling routes are proposed along the primary roads and these would be required to comply with the DfT LTN 1/20.

Improvements to cycle parking convenience are welcomed with easier accessibility integrated into proposed dwellings. These would need to be both secured and sheltered.

An electric bike hire scheme within the development is proposed and welcomed. This would be served from the transport hub with supporting infrastructure provided throughout the development. It is proposed that the electric bike scheme could be expanded to cover wider areas of the Borough.

Parking.

The applicant proposes to adopt the Swale Borough Council standards and as such is agreed.

TA document 5: Sustainable Transport Strategy

Due to the Three-Tiered nature of the application, the sustainable transport measures cannot yet be fixed and these are expected to evolve when the access strategy has also been agreed and as the second tier of detail is submitted for the respective phases of development.

Conditions will therefore need to be placed on any consent granted for this application, to seek detail for approval of the measures that are considered appropriate and available from emerging technologies at the at time. The Section 106 Agreement will also need the flexibility to secure the financial contributions associated with any measures that are subsequently approved or required once the cost plans are known nearer the time.

This could include the provision of new bus routes to pass through the development and link to Teynham, Sittingbourne and Great East Hall, as suggested within the strategy document. As mentioned above, these can only be determined at the second tier when the access points and detail of the infrastructure have been approved.

Similarly, the consideration of walking and cycling routes, and how these should be provided or enhanced, will also be determined at the second tier of approval.

As previously noted, improvements to cycle parking convenience are welcomed with easier accessibility integrated into proposed dwellings - these would need to be both secured and sheltered.

Furthermore, as previously noted electric bike hire scheme within the development is proposed and welcomed. This would be served from the transport hub with supporting infrastructure provided throughout the development. It is proposed that the electric bike scheme could be expanded to cover wider areas of the Borough.

TA Document 7: Traffic Impact Assessment

Unlike the parallel planning application 21/503906/EIAOUT to develop land to the north of the A2, the Traffic Impact Assessment submitted with this application has not been updated to separate the two schemes. While the aforementioned application can be assessed and determined on its own, it is appreciated that this application cannot and is reliant upon the highway infrastructure included within other development being delivered too. Therefore this application should not be determined without that highway infrastructure being included within the proposals.

Strategic Modelling

The strategic modelling has been carried out based on the 2038 Local Plan Review Reference Case model that was commissioned by the County Council and Swale Borough Council.

Highway Infrastructure assumptions.

Previous comment – *“There have been some revisions to the Local Plan reference case model in terms of highway assumptions that would also be required for the modelling tests for this application.*

The additional junction improvements that have occurred since the Borough Council's earlier 2019 reference case model run are as follows;

A2/Love Lane signalisation

A249/Bobbing junction signalisation

Lower Road/Cowstead Corner capacity improvements

B2006/Sonora Way roundabout capacity improvements

Borden Lane/Homewood Avenue mini roundabout
Quinton Road mini roundabouts
Halfway Road Traffic lights
M2/J5
SW Sittingbourne link road between Chestnut St and Boden Lane
NW Sittingbourne Access roundabout and internal link road between Quinton Road and Grovehurst Road
Crown Quay Lane Access to Eurolink Way
Iwade Expansion roundabout to Grovehurst Road
Preston Field link road
Perry Court link between Brogdale and the A251.

Action – Reference case modelling needs to be updated in order to properly assess the developments impact. The Highway Authority will be able to provide the applicant with the updated reference case model.”

New Comment - The TIA confirms that the updated 2038 Local Plan Review Reference Case model has been used but the updated list of highway infrastructure provided in paragraph 3.3.7 has not listed the following highway improvements that were requested:

- SW Sittingbourne link road between Chestnut St and Boden Lane
- NW Sittingbourne Access roundabout and internal link road between Quinton Road and Grovehurst Road
- Crown Quay Lane Access to Eurolink Way
- Iwade Expansion roundabout to Grovehurst Road
- Preston Field link road
- Perry Court link between Brogdale and the A251.

In addition, the Frogal Gardens highway infrastructure forming a new roundabout junction onto the A2, and the severance of Frogal Lane, should also be included as these works are now underway.

Action – Clarity on the inclusion of these improvements within the development reference case modelling is sought.

2038 Development Reference Case Model

At the request of the County Council, the recently approved developments at land West of Church Road and Land off Swanstree Avenue need to be included in the 2038 Development Reference Case model. No update has been provided regarding this part of the modelling, unlike the separate TIA for linked application 21/503906/EIAOUT, so it is assumed that the two developments have not been included. Data for these two developments can be extracted from their respective transport assessments.

Action – The model should be updated to include the two developments as committed.

Trip Distribution

The trip distribution beyond the development zones uses the same zonal pattern as the Swale Base and Reference cases and as such is agreeable.

Forecast Link Flows

As queried above, the highway infrastructure assumptions for the updated 2038 Local Plan Review Reference Case need to be clarified as the links to Chestnut Street from Borden Lane, and the link between Quinton Road and Grovehurst Road, are not shown on figures 5.1 to 5.4. It is noted that the Chestnut Street link is shown on Figure 5.5, and link 11 is incorrectly labelled as link 1.

Action – The highway infrastructure assumptions should be included as per the previous request, and the figures and modelling updated accordingly.

Net Traffic Impacts

As has been mentioned earlier, the Local Highway Authority does not consider that the reference case and with development tests provided are appropriate. Notwithstanding this and the County Council's comments on the necessary modelling amendments, the information provided presents the combined applications as an alternative option to accommodate the Local Plan growth required in the Borough. Indicatively, this shows a reduction of traffic through Sittingbourne Town Centre, the A249 and the A2. Increases are, however, then shown on Bell Road/Gore Court Road/Woodstock Road, routes to the South to Hollingbourne, Swale Way and the M2.

Junction Assessments

According to the Capacity Assessment Output Reports contained within Appendix E of the TIA, the assessments for the proposed highway infrastructure associated with the SSRR and SNRR have been performed using the traffic data from the 2037 models, rather than the updated 2038 outputs. The same appears to be true for:

- Junction 55 – Park Road / Gore Court Road / Ufton Lane
- Junction 43 – A251 / M2 West Bound
- Junction 37 – A2 / Western Link
- Junction 34 – A2 / Lynsted Lane
- Junction 32 – Woodstock Road / Cromer Road / Tunstall Road
- Junction 18 - Crown Quay Lane / Eurolink Way
- Junction 17 - Mill Way / B2006 St Pauls Street
- Junction 16 – A249 / B2006 Bobbing Interchange

These should have used the outputs from the 2038 Reference Case and With Development model scenarios, notwithstanding that the comments above will require further amendments to the model, so all of the assessments will need to be revisited in any case.

Whilst no detailed review of the capacity modelling will be made, the County Council would provide comment on the assessments of the following junctions:

- Junction 6 A2-St Michaels Road/West Street – The modelling of this junction has been coded as two way movement on all arms, instead of St Michaels Road being a one-way gyratory
- Junction 11 A2/Murston Road/Rectory Road – Modelling of the junction has been based on the existing layout, rather than the committed highway improvement scheme detailed in application 16/507689/OUT.
- Junction 20 A249/Grovehurst – Assessment of this junction has been based on the existing layout. Major work is currently underway to upgrade the junction and the TIA does not propose to investigate whether further mitigation is required. It is considered that in common with other committed infrastructure, the improved junction arrangement should be assessed.
- A2/Frognal Gardens Roundabout – No assessment has been carried out to determine the impact of the development proposals on this junction. This is committed infrastructure that is directly affected by the proposed secondary vehicular connection of the development site to Frognal Lane, and also expected to accommodate additional traffic flow on the A2.

Action - Capacity assessments of the above as committed junctions should also be provided.

TA Document 8: Mitigation Proposals

The comments in this section are made based on the modelling results presented and will therefore need to be reviewed after updated modelling has been provided to respond to the comments made elsewhere in this response.

Junction 21 – Swale Way/Barge Way

The junction is currently a three arm roundabout serving industrial employment to the north, including the large waste to energy facility.

The mitigation proposed increases the two lane entry length on the southern and western arms of the roundabout. The circulatory width will need to be demonstrated on the drawing along with updated modelling evidence. Modelling for the mitigation proposed halves the difference between the AM queue to 7.4 Passenger Car Units (PCU) The Ratio of Flow to Capacity (RFC) remains over 0.85 in the AM and PM and the gain appears disproportionate to the mitigation and therefore, further work may be required to ensure it operates within effective capacity.

Action – Disproportionate modelling results to be explained.

Junction 22 – Swale Way/Ridham Avenue

The junction is currently a three arm roundabout serving industrial employment to the east. Increases in development traffic results in the junction becoming at over capacity on the Swale Way arms.

The mitigation proposed increases the two lane entry length on the southern and northern arms of the roundabout. The circulatory width will need to be demonstrated on the drawing, along with updated modelling evidence. Subject to the above, the principle of the mitigation proposed is generally agreed as acceptable.

Junction 24 – Swale Way/Bingham Road

The junction is currently a three arm roundabout serving industrial employment to the south. As above, the increases in development traffic results in the junction becoming over capacity on the Swale Way arms.

The mitigation proposed increases the two lane entry length on the southern and northern arms of the roundabout. The circulatory width will need to be demonstrated on the drawing, along with updated modelling evidence. Modelling for the mitigation proposed reduces the AM queue by 11 PCUs. The RFCs remain over 0.85 in the AM and PM and the gain appears disproportionate to the mitigation and therefore, further work may be required to ensure it operates within effective capacity.

Action – Disproportionate modelling results to be explained

Junction 32 – Woodstock Rd/Cromer Rd/Ruins Barn Rd/Tunstall Rd

The existing arrangement is a staggered crossroads giving priority to the Woodstock/Ruins Barn Road arms.

The proposal is for the junction to be signalised however there remains queues of 80 PCUs on Woodstock Road in the AM and 48 on Ruins Barn Road in the PM. Three of the four arms are operating above 100% degree of saturation (DOS). It is noted that the reference case also operates with severe congestion and any development strategy is therefore likely to require some kind of congestion control at this junction. The proposal continues to have severe highway impacts and is not accepted by the Local Highway Authority.

Action - Further work is clearly required that would control movements from the application site and this would need to be discussed with the Local Highway Authority, with through traffic from either Cromer Road or Ruins Barn Road likely to need some restriction to vehicular movement.

Junction 58 – Woodstock Rd/Bell Rd/Gore Ct Rd/Park Ave

The existing arrangement is a four-arm mini roundabout. The proposal creates two lane entry on three of the approaches but all exit lanes and the circulatory would remain single lanes. The design is sub-standard and not accepted by the Local Highway Authority. It has not been demonstrated that an acceptable mitigation scheme can be delivered in this location.

Action – An appropriate form of mitigation is required to accommodate the traffic growth at this junction.

Subject to appropriate modelling evidence, the Local Highway Authority anticipates that there may be a necessity for mitigation for ongoing access to the east of the application's residential development on Lower Road, Station Road and for accessing to the A2 East of the proposed roundabout.

Conclusion

On the basis of the above the County Council, as Local Highway Authority, raises a holding objection until such a time as further evidence is provided to address its concerns.

2. Public Rights of Way

The County Council is keen to ensure that its interests are represented with respect to its statutory duty to protect and improve Public Rights of Way (PRoW) in the County. The County Council is committed to working in partnership with the applicant to achieve the aims contained within the [Rights of Way Improvement Plan](#) (ROWIP). Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

Public Footpaths ZR194, ZR682, ZR196, ZR197, ZR199, ZR208, ZR209, ZU31, ZU30, ZR147, ZR155, ZR158, ZR156, ZR157, ZR150, ZR185, ZR49, and Restricted Byways ZU34A, ZU35 and ZR151, are located within the site and would be directly affected by the proposed development. The locations of these paths are indicated on the attached extracts from the Definitive Map. The existence of the Rights of Way is a material consideration.

In respect of PRoW, the County Council continues to raise a holding objection to this application. The County Council has previously provided responses to both Scoping Opinion and the original proposals over the course of the past few years. The application has now been amended again; however, this application does not reflect prior comments or advice from the County Council and the amendments/additional information do not alter the significant adverse impact on the recorded PRoW Network and the significant loss of open countryside, both of which provide numerous benefits to the Borough. As such, the underlying concerns previously set out in the County Council's earlier consultation responses remain.

The County Council is disappointed that PRoW have not been considered as a separate topic in the application. Dividing the effect of the development on PRoW and their users across multiple application documents and chapters results in individual references which do not reflect the importance of the local access network and, the quality of the user experience and amenity value. The combined effects of all the aspects of the development, such as the severance and loss of the physical resource, timescale of delivery, construction traffic, noise, visual intrusion, and loss of tranquillity, all contribute to the quality of the user experience inherent in a recreational walk or ride.

This fragmented approach gives rise to a weakness in the application, that when considered individually, the impact might be assessed as not significant, but if the impacts had been considered collectively, they could be significant. A walker, cyclist or horse rider using a public right of way or on open access land experiences the countryside, and hence any impacts, holistically; namely the quality and diversity of the views, wildlife and natural features, the sense of wildness, peace and quiet, the presence (and absence) of traffic, noise, lighting and air quality, and the connectivity of the PRoW Network.

Therefore, the County Council position remains that the impact of the proposed development on both the physical resource and the amenity value of the PRoW network should be addressed as a separate theme within the application. This should include both the effect on the physical resource from temporary or permanent closures and diversions, as well as the

quality of user experience and amenity value and should be considered from the perspective of the significant timescale of this development.

In general, the plans and drawings appear of poor quality and are contradictory throughout documents and therefore, it is difficult for consultees to attempt to know which PRoW is being referred to. There is also incorrect labelling of PRoW (and on some plans complete omission); labelling/ reference should be consistent and standard across all documents and follow the same convention as depicted on the Definitive Map, the legal record for PRoW. Currently a variety of labels/ references are used in different documents, which is confusing and makes consultation much more difficult for statutory bodies and the public. It is unacceptable to use any other label or reference in the consultation documents without at least being accompanied by the correct Definitive Map label.

The ROWIP should be included as relevant local planning guidance; again, this has been advised within the County Council's previous responses and still has not been considered. The County Council seeks to create a network that not only provides a safe, sustainable means of travel but also delivers the benefits that access to the network, countryside, coast and green spaces can make to improve the quality of life for Kent's residents and visitors. The ROWIP also sets out the Council's commitment to ensuring and promoting sustainable travel options for all with a strategy that focuses on walking and cycling for leisure reasons, commuting, and accessing services and facilities. In contrast to ROWIP policies, the application does not recognise the local importance of PRoW, which can be the only off-road open access for a wide community or are the main recreational space.

The PROW and Access Service will expect enhancements to the network in addition to mitigation, compensation, and management strategies that will ensure that the public, residents and tourists alike, retain the quantity and quality of access provision.

The proposal of separate Tiers (of which this is Tier 1) for the planning process is one that causes concern for the County Council in respect of PRoW. Tier 1 proposes only to agree the "overall principle of this development"; however, the County Council cannot fully assess the impact of this development without further detail and therefore has to conclude that due to the scale and irreversible impact of this development, regardless of any mitigation or improvements proposed, the County Council objects to the development. Equally, the County Council is of the opinion that any future works would be against the policies and overall aims and objectives of the Kent County Council's ROWIP. The County Council draws attention to its comment from previous response that "*PRoW strategy only to be determined at Tier 2, and all matters of access not considered at outline stage. For a development of this scale this is considered to be too late to allow timely discussions and contributions and therefore avoid potential conflict and oversights*". The County Council would reference the development at Wises Lane, Borden, also within Swale, where the PRoW strategy was not addressed at the earliest stage of the planning process and then with only a minimal regard, that has led to conflict and disruption to the development, the Local Authority, the County Council and the existing community.

PRoW issues are, in part, included in the Transport Assessment submitted as a few paragraphs within the Highways chapter. The County Council therefore does not feel it is in

a position to provide as fuller response as it would wish for this scale of development. High level comments on the document have been provided as follows:

- The Access Strategy Vehicle Plan does not show the PRoW routes, however, as stated previously, PRoW should be seen holistically with the highway network in order to enable quality connectivity.
- Framework Plan Pedestrian and Cycle O – PRoW are shown but without any labelling or reference, with references to PRoW being *realigned* with no further detail given.
- Framework Plan Pedestrian and Cycle H – as above and with incorrect PRoW alignments.
- Design and Access Addendum; the *Description of Development* omits any mention of walking and cycling or Active Travel benefits or improvements; clarity is required regarding reference to *National Significant Public Infrastructure*; “*The Site*” omits any reference to the PRoW Network although the National Landscape is included.
- Insufficient detail provided to fully assess the management and incorporation of the PRoW network both during construction and in operation, particularly given the significant impact on the area over the timescales quoted. The proposed development would both sever and fragment the existing network over a considerable area and considerable period.
- The County Council is of the opinion that despite the separation of the two applications, 21/503914 and 21/503906, the potential impact of both cannot be ignored and therefore this response reflects the cumulative effect on the Borough from this application and application 21/503906.
- The County Council is also of the opinion that the proposed development in the wider area and Borough of Swale, **not** including the two applications above, also has to be taken into account to fully assess the impact overall. The cumulative impact of this proposal with the other existing projects consented and proposed is of major concern. The PRoW and Access Service believe that there are inter-project effects that will impact on the PRoW network and its users not only from fragmented connectivity and visual intrusion, but the lack of the single assessment approach for PRoW, access and amenity has resulted in this effect not being recognised. In particular, there will be repeated temporary closures of PRoW across the wider area of the Borough that could overlap with temporary closures on the same or connecting PRoW required for this proposal.
- Examples of existing projects consented and proposed: Land at Frogal Lane, South East Faversham, Land off Swanstree Avenue, Wises Lane, Manor Farm, Ufton Court Farm, Land East of Iwade, Pitstock Solar Farm, Vigo Lane Solar Farm.
- It is unacceptable for the public to lose their amenity by the effective sterilisation of an area due to closures and disruptions from parallel or concurrent projects. The impact of temporary closures of PRoW should not be underestimated, as their value for local amenity could be severely reduced or removed during works. The County Council would therefore expect an inter project cumulative effect assessment to specifically consider the impact on PRoW and the amenity value of the PRoW network in the vicinity of the proposed development and in the event of any future permission being granted, to provide mitigation, compensation, and management strategies to ensure that the quantity and quality of access provision is retained.

In order to ensure full understanding of this development and the proposals, the County Council expects early engagement with the County Council PROW and Access Service to discuss the impact on and management of the PROW and Access network. The County Council is the Highway Authority for PROW and by definition:

- The Applicant must obtain the Definitive Map and Statement from the PROW & Access Team at the County Council. This is the only source of the up-to-date record of the PROW (this can be supplied digitally).
- PROW should be marked on plans using the County Council digital data and labelled as per the Definitive Map and County Council convention.
- The applicant must identify where and how (i.e. physical disruption and impact on amenity) the project affects PROW in the pre commencement stages, construction, and operational phase.
- The applicant must identify the wider access network and ensure continuity of the access network including links to U roads, rural and quiet lanes and promoted routes by avoiding severance or sterilisation of an area through closures.
- The applicant must set out the management measures for minimising disruption to the public and ensuring public safety during all stages of the project.
- The hierarchy for managing affected PROW should lead with the principle of keeping PROW open though use of signage and traffic management measures, followed by temporary closures with alternative routes provided for as short a duration as possible. Any alternative route must be approved by ourselves.
- The applicant must identify the PROW proposed to be temporarily closed and/or management measures.
- Includes management measures for any shared construction access, although this is something the County Council would not advise.
- The applicant must identify any PROW to be permanently closed and the alternative route/s including the specification for new routes.
- The applicant must include plans for restoration of all affected PROW e.g. on access routes and crossing points.
- The applicant must include a commitment for a pre and post condition survey to be undertaken including identification and assessment of surface condition and with a scope of coverage and methodology to be agreed with the County Council as Highway Authority. This should include pre-construction work where PROW might be used to gain access to site and reinforcement required prior to use by vehicles. Again, such use is not something the County Council would advise or necessarily approve.
- Where impacted by the works, commitment to restoring any PROW to an improved condition agreed with the County Council - where there are existing defects, the applicant should agree restoration measures with the Local Highway Authority.

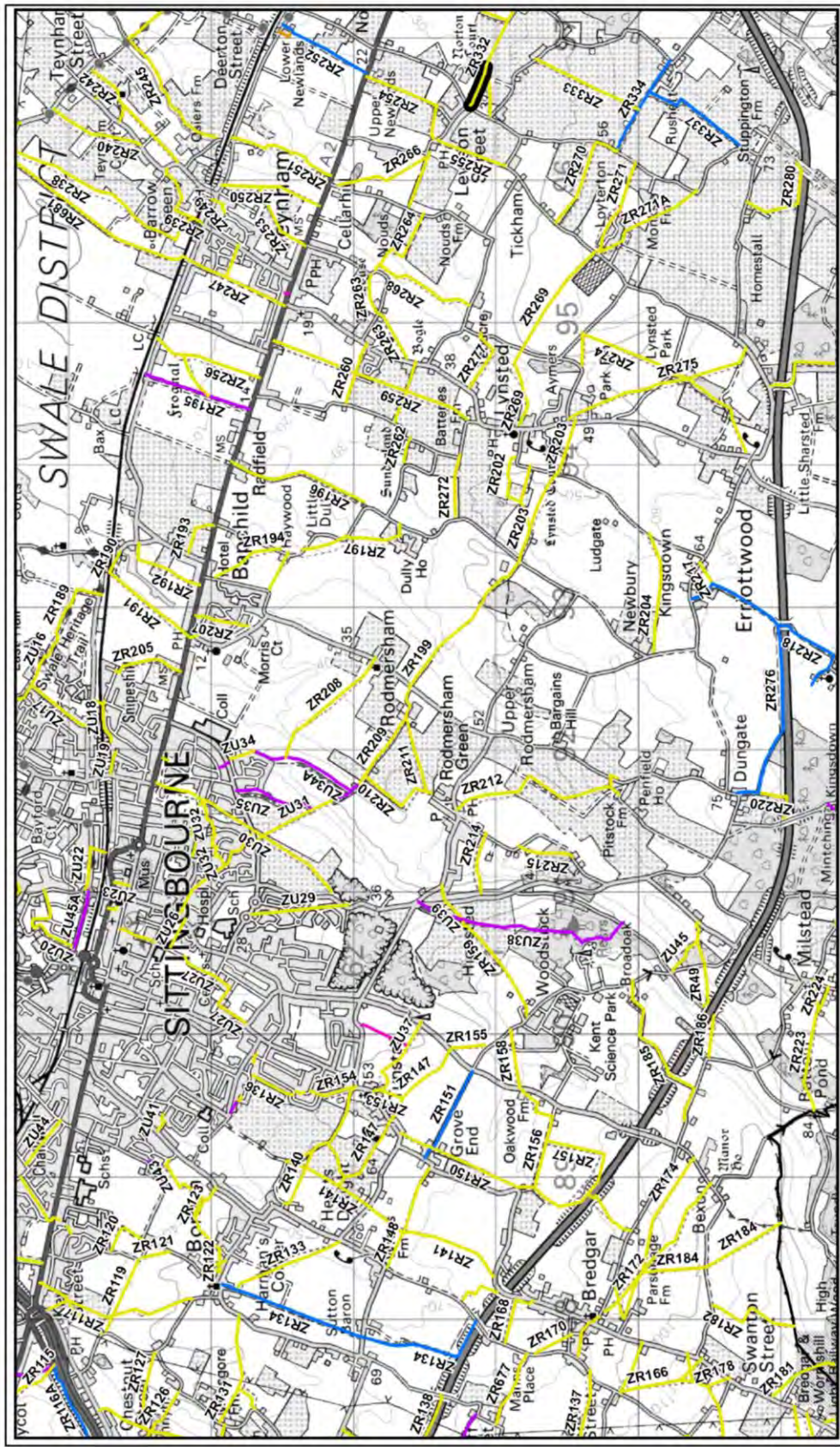
In the event of any future planning permission is granted, the County Council requires that the following is required by condition:

A PROW Management scheme is provided to include each Public Right of Way affected, to cover pre-construction, construction and completion over the no doubt prolonged phasing

schedule. A separate scheme should be provided and agreed as each Phase comes forward for approval in the described Tier process. All details to be approved by the County Council.

The County Council would seek developer financial contributions via the appropriate legal mechanism, where the impact of new development will put a high level of additional pressure on the existing Network and where upgrades and improvements would account for increased use and to provide quality off road alternative transport options, promoting active and sustainable travel. Appropriate contributions would be in order to mitigate the loss of amenity, increased use and subsequent improvements that will be required in the wider network as the area is developed. The County Council advises that significant measures will need to be taken to help mitigate the impact on and loss of existing recreational leisure opportunities and to future proof sustainable Active Travel across the wider area of the Borough. The increase in investment and policy from both central and local government towards a modal shift away from short car journeys should focus this project to provide a sustainable development for the future. The applicant is required to show commitment to Active Travel, connectivity of developments, sustainable transport, and the protection of and enhancement of the local area rural character.

Appendix 2A – PRow Map



<p>Key</p> <ul style="list-style-type: none"> — Public Footpath — Public Bridleway — Restricted Byway — Byway Open to All Traffic 		<p>17/506551/EIASCO - Public Rights of Way Map</p>	
		<p>Please note: this map extract is not a legal record of the alignment or existence of a public right of way. No measurements should be taken from it.</p> <p>0 0.75 1.5 3 Kilometres Miles</p>	
Created by:	TK	Checked by:	TK
Issue Date:	10.01.2018	Reference:	17/506551/EIASCO
<p>Produced by the KCC Public Rights of Way and Access Service © Crown Copyright and database right 2013. Ordnance Survey 100019238</p>		<p>Kent County Council</p>	

3. Development Investment

The County Council has re-assessed the implications of this proposal in terms of the delivery of its community services and the latest information from the applicant. It remains the opinion that the application will have an additional impact on the delivery of its services, which 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).

The County Council notes that this application has been submitted concurrently with Highsted Park North application SW/21/503906, and indeed provisions have been proposed for both sites, particularly secondary education. However, the applications are separate and will be reviewed independently. The County Council would therefore wish to draw the Local Planning Authority's attention to the Secondary, Special Education Need and Waste requirements, and how these matters should be dealt with if the applications proceed independently.

Request Summary

Table 1

	Per 'Applicable' House (5984)*	Per 'Applicable' flat (428)*	Total	Project
Nursery	26 place Nursery at each new Primary School – Provided as part of each Primary School			
Primary Education	£7,081.20	£1,770.30	£43,131,589.20*	Towards new on-site primary schools serving the development
Primary Land	2No. New Primary School sites of 3Ha each and 1No site of 2.05Ha, provided at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements)			
Special Education	£559.83	£139.96	£3,409,925.60*	Contribution towards a new special needs school serving this

				development and SRP provided within the Mainstream Education Schools on-site and within the Borough
Secondary Education	£5,587.19	£1,396.80	£34,031,575.36*	Towards a new secondary school to serve this and the adjoining Highsted Park (North) development
Secondary Land**	10Ha New 8FE Secondary School site to be provided as part of the combined Highsted Park (North & South) proposals. Sites provided at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements)			

Please Note:

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered/extra care accommodation. The applicant has advised in correspondence that all proposed 1-bed flats are below this size and therefore not applicable. Should this change, the County Council will reassess the requirement for education places.

** The County Council has used the housing mix referenced in the January 2024 Planning Statement Addendum Para 3.3 Table 3.1). The applicant has advised in earlier correspondence that 10% of 2 bed flats/houses will be restricted to occupancy for over 70s. The County Council has applied this mix and removed the age restricted dwellings as non-applicable for education assessment, subject to a legal Agreement restricting occupancy age in the age restricted dwellings in perpetuity.*

*** Secondary land & SEN – Irrespective of whether the Highsted Park North and South sites proceed jointly or independently, Kent County Council Education has confirmed that there is a significant deficit in places locally, even allowing for a new Secondary school in Northwest Sittingbourne. Consequently, new standalone Secondary and SEN provision will be required for this Highsted South application.*

Should either the mix or age restricted unit numbers change, the County Council reserves the right to reassess the requirement for education places.

Table 1 continued:

	Per Dwelling (x7150)	Total	On Site Community Buildings	Project
Community Learning	£34.21	£244,601.50	Free use of on-site Community facilities for classes, plus	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions

			provision of secure storage for equipment	and venues for the delivery of additional Adult Education courses locally.
Integrated Children's Services	£74.05	£474,808.60	Free use of on-site Community facilities for youth sessions, plus provision of secure storage for equipment	Towards additional resources and equipment to enable outreach services delivery in the vicinity, and/or the upgrade of existing youth facilities
Library Service	£62.63	£447,804.50	Free use of on-site Community facilities for library purposes, plus provision of secure storage for equipment	Towards additional resources, services and stock, the local mobile Library service and improved facilities in Sittingbourne to meet the needs of the development.
Social Care	£180.88	£1,293,292.00	Free use of new Community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment	Towards Specialist care accommodation, assistive technology and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)			
Community Buildings specification:	<p>*Design that is Dementia friendly with dementia friendly decoration and signage.</p> <p>*A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc.</p> <p>*Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with Changing Places Toilets (changing-places.org)</p> <p>* <u>Provision of secure storage for County Council Social Care, Community Learning, Libraries and Youth Service.</u></p>			

Waste	£194.13	£1,388,029.50	Towards a new Household Waste Recycling Centre on-site and increases in capacity at the Waste Transfer Station in Sittingbourne.
Waste Site	A new Household Waste Recycling Centre site of 1.5ha is required at no cost to the County Council - transferred as per the County Council's General Transfer Terms, should either the South proceed independently, or the combined Highsted Park North and South proceed. If the new HWRC is ultimately located on the South site and the North site is in separate ownership, any land cost should be dealt with by the applicants through a <i>Development Land Equalisation Agreement</i> with the North site contributing its proportionate share.		
<i>Highways</i>	<i>Kent Highway Services will 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.*
- *Bonds will be required by the County Council for the Education contributions if the applicant wishes to pay the contributions in instalments. If the contributions are paid in instalments, the applicant will also be required to cover the County Council's borrowing costs for the construction of the schools.*

Justification for Infrastructure Provision/Development Contributions Requested

The Developer Contributions Guide has been approved as County Council policy. Information on the areas the County Council 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.

Primary Education

The indicative housing mix provided by the applicant has been used to calculate the Primary Education need created by the development. Based on this mix – which must be subject to regular review to confirm the final mix - the proposed South development is estimated to generate up to 1,705 primary pupils, equivalent to 8.12 Forms of Entry (FE). This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 3A. Financial contributions towards construction 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.

Applicant's Proposal – Primary School Sites/Indicative Locations / Phasing

The amended Design and Access statement confirms appropriate land areas for the three proposed primary schools as being 3Ha for Highsted West and Oakwood schools, and 2.05ha for the Highsted East school site. As a result of the expected pupil demand it is requested that the Highsted East school would be a 2FE school which, given the current demand projections, would be acceptable to the County Council.

The above figures have been taken from page 15 of the Design and Access Addendum which are assumed as correct.

All sites must be transferred with agreement by the County Council as the Statutory Education Authority and in accordance with the County Council's General Site Transfer terms (attached separately to this response).

It is required that all school sites will be served by vehicular and pedestrian/cycle routes prior to their opening, connecting not only the new communities to these schools, but also existing neighbourhoods in the locality.

The applicant has responded positively to the earlier consultation responses on the locations of the schools which are now, in principle agreeable, subject to the further information required below.

Highsted West Primary School Location

The proposal is showing the primary school located on 3Ha of land as required.

The location of the primary is at the edge of the built area of development and appears well located in terms of accessibility and is generally agreeable.

Greater detail of the proposed Primary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with the suitability assessments, the County Council will require four corner point co-ordinates of the site so that a thorough site inspection can take place before it would be able to confirm suitability.

Highsted East Primary School Location

The proposal is showing the primary school located on 2.05Ha of land which would only be sufficient for a 2FE school.

The County Council welcomes school locations close to market centres, which aids in the creation of community and supporting footfall to other services.

It is unclear from the plans whether a PRow either crosses or is in close proximity to the proposed school site. Advice should be sought from KCC PRow and Access Service in respect of the proposed location. Please note the County Council's transfer terms and advise accordingly.

Greater detail of the proposed Primary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments the County Council will require four corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council would be able to confirm suitability.

Oakwood East Primary School Location

The proposal is showing the primary school located on 3Ha of land as required.

The location of the primary is at the edge of the built area of development and appears well located in terms of accessibility to sports and open space land use. It is noted the proposed location is in reasonable proximity of the existing schools of Bapchild and Rodmersham.

Greater detail of the proposed Primary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments the County Council will require four corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council would be able to confirm suitability.

Anticipated Phasing of School Builds

Table 1 below sets out the County Council's anticipated delivery triggers for schools. This will require appropriate monitoring and review mechanisms within the Section 106 Agreement to reflect build-out rates and dynamically respond to pupil demand, to ensure timely delivery and sufficient capacity is maintained. The proposals within the submitted phasing plans would appear to be appropriate, however, limited information could be found on the numbers of dwellings within each phase. This will need to be provided so that the information can be reviewed, in the context of the below table, before confirmation of approval can be given on the proposed phasing plans.

Table 2

	Number of Dwellings Occupied
Primary School 1	350
Primary School 2	2600
Primary School 3	4700
Secondary School	1st phase delivered at 900 occupations***

****900 occupations combined across both the North and South Developments if built out jointly. (The Primary School triggers are occupations on Highsted South ONLY).*

Nursery and Pre-School Provision

The County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. Whilst the County Council is seeking the provision of pre-school facilities within the new primary schools, it also expects to see the delivery of infrastructure on-site for use by the private/voluntary/independent (PVI) sector at affordable rents. Currently, approximately 40% of two-year old children are entitled to free early education (15 hours per week), while all three and four-year olds are entitled to 15 hours per week, increasing to 30 hours for those with working parents. Take-up for these places has been high. By the time the development is starting to be occupied it is likely that 30 hours free childcare will be available to all, increasing levels of demand. The County Council supports the provision of PVI nurseries on new developments (especially extended hours and provision for babies/under two-year olds)) and will work with the applicant to advise on the appropriate method of delivery.

Special Education Needs and Disabilities Provision

The Children's and Families Act 2014, Equality Act 2010 and Children and Families Act 2014 set out the County Council's responsibilities for children and young people with Special Educational Needs and Disabilities (SEND) aged 0-25 years. The County Council'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 Education, Health and Care Plan (EHP) which sets out the provision they are entitled to. School-age pupils with EHPs 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.

Secondary School Provision

The indicative housing mix provided by the applicant has been used to calculate the Secondary Education need created by the development. Based on this mix – which must be subject to regular review to reflect the final mix – the proposed South development is estimated to generate up to 1,218 secondary pupils, equivalent to 6.85 Forms of Entry (FE). This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 3A. Financial contributions towards construction 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.

Secondary Education demand is exceeding provision in the Borough, with a significant forecast deficit in places, as extant permissions are built out, and the County Council awaits the land for the new school in North-West Sittingbourne to meet the growth requirements in the current Local Plan. Consequently, this application will place additional pressures on education provision.

To accommodate this additional demand, along with the demand from the Highsted North and wider development, a new, on-site 8FE Secondary school is required on a site of 10ha at nil cost to the County Council, in a location to be agreed by the County Council and transferred in accordance with the County Council's General Site Transfer Terms.

Whilst the County Council is generally agreeable to the proposed location, greater detail of the proposed Secondary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. It is expected that the majority of pupils and their carers will reside in the proposed development. The County Council will require four corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council would be able to confirm its suitability.

The secondary school site will need to be served by vehicular, public transport and pedestrian/cycle routes prior to its opening, connecting not only the new community to this school, but also the existing developments in the locality and further afield in the Borough. As proposed, the location should provide excellent opportunities for connecting with existing and new communities.

The County Council note that a site size of 9ha has been offered and not the 10ha requested. The County Council would be prepared to negotiate this point such that an additional adjoining 1ha be safeguarded for Education purposes immediately adjacent to any proposed secondary school 9ha site offered and provided at nil cost to the County Council. Should the Pupil Product Rate (PPR) from the development be as, or above that currently

calculated the land would need to be provided to KCC. Conversely, if the PPR following 50% occupation is lower than assessed at the time of the application, KCC would not require the additional hectare.

If Highsted Park (North and South) proceeds concurrently then proportionate contributions towards the Secondary School land at Highsted Park South of £3,022.72 per 'applicable' house and £755.68 per 'applicable' flat will be required through a Development Equalisation Agreement from the 21/503906 application.

The site 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 the County Council taking the freehold transfer of the site to reflect the price actually paid for the land.

Please note 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.

The County Council 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 2021-25](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

Anticipated Delivery of Secondary School

The County Council's assessment of secondary education places in the planning groups shows that there is a significant deficit of places. Whilst the school will be built out in phases, it is anticipated that the first phase will be required to open by 600 occupations (combined across both the North and South Developments if built out jointly). This will be subject to appropriate monitoring and review mechanisms within the Section 106 Agreement to reflect build-out rates and pupil demand, to ensure timely delivery and sufficient capacity to meet demand.

Community Learning and Skills

The County Council 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 3B 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. Adult Education will also require free use of on-site Community facilities for classes, as well as provision of secure storage for equipment.

Integrated Children’s Service – Youth Service/Early Years Service

The County Council 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 3B 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.

The services will also require free use of on-site Community Facilities for meetings and sessions locally, as well as secure storage within the new facilities for equipment. The masterplan demonstrates provision of accessible outdoor and sports and recreational facilities for youth activity along with additional amenities that may be achievable within the proposed county park.

Additional indoor facilities may also be able to be delivered within the employment spaces being proposed.

Library, Registrations and Archives Service

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 the County Council 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 Borough at 669 items per 1,000 population is below the national standard of 1,532.

An evaluation of the impact of this development is shown in Appendix 3B. The appendix demonstrates the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development. As there are no details of the community facilities proposed, a flexible approach to provision should be facilitated. Provision would either be through the free use of on-site community facilities for Library purposes (including secure storage within these facilities for equipment), towards the local mobile Library service, and towards improved facilities in Sittingbourne.

Description of requirements – Libraries Registration and Archive (LRA) will continue to deliver its library service for this area at the existing Faversham library. This library was fully refurbished in 2018 and is currently co-locating with the Good Day Programme.

Contribution or floorspace – LRA would like to seek contributions to existing service rather than floor space in a new 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 3C provides detail of the current shortfall in the provision of this service, and also explains the statutory duty upon the County Council 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, the County Council 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.

Community Buildings

There remains little detail within the application of the community facilities being proposed which, acknowledging the size and likely lifespan of build out, is unsurprising. Provision for community buildings is mentioned and demonstrated in appropriate locations for each of the development areas, however, not all of these buildings are likely to need to include provision for all County Council services. The approach to the delivery and use of community buildings will therefore require a strategy that includes flexible and phased delivery so that it can be proportionate to the population and service needs. This mechanism should be established through any accompanying Section 106 Agreement. It should, however, be noted that all buildings must include:

- Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with [Changing Places Toilets \(changing-places.org\)](#).
- Design that is Dementia friendly with dementia friendly decoration and signage.
- Catering areas to be compliant with the Equality Duty 2010, including adjustable height work surfaces, wash areas, cupboards etc.
- Accessible community outdoor areas such as allotments or gardens.

Potential provision of care homes/extra care

Concerning the provision of older person care homes in Kent, the County Council has seen a steady decline in overall numbers in the past five years, with the situation further exacerbated by Covid-19. In addition, the number of people wishing to access purely older

person care homes is reducing. Consequently, there are specific types of care home delivery models which, the County Council would wish to support. For example, there is a significant demand for residential and nursing care homes that can meet the needs of people with challenging and complex needs, including dementia. The County Council would encourage any new residential care home provider to join the County Council Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents. As such, the County Council recommends that the applicant works with County Council Adult Social Services to develop the most appropriate form of care delivery.

Supported Living Accommodation

Paragraph 3.2 of the Planning Statement identifies that the development proposes to include the provision of extra care units for over 65s. This inclusion is welcomed, however, there is no detail at this stage as to the amount that would be available. The demand for support living accommodation (especially within the working-age population) has increased significantly. The County Council would wish to ensure that the dwelling mix of this development and level of extra care units available is sufficient to meet the levels of demand. As such, the County Council recommends that the applicant works with County Council Adult Social Services to develop the most appropriate forms of care delivery and that any legal agreements or conditions on housing mix have the ability to set out minimum levels of provision of extra care units.

Waste

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste. Appendix 3D 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 the County Council.

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.

Waste Transfer - Developer Contributions are required towards works to increase capacity at the Church Marshes Waste Transfer Station.

Household Waste and Recycling Centre (HWRC) - The County Council is pleased to see the inclusion of a new Household Waste Recycling Centre site of 1.5ha, required at no cost to the County Council. Proportionate HWRC land contributions from application 21/503906 will be required through a Development Equalisation Agreement to fund the provision within this application.

The County Council also notes that the new HWRC allocation has a colour coding error on the legend on the plan in the Environmental Compliance statement.

The County Council is pleased to see that the HWRC allocation remains in place. The minor amendments to the submission will not change the impact on Waste.

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 Agreement or UU containing contributions for County Council services should be shared with the authority via the Developer.Contributions@kent.gov.uk email address prior to its finalisation.

If you do not consider the contributions requested to be fair, reasonable, compliant with CIL Regulation 122 or supported for payment, it is requested that you notify us 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.

Appendix 3A - Education Need Assessment / Education Land Assessment

KCC developer contribution assessment for Primary Education

District:	Swale	Non-applicable units:	739
Site:	Land South East End of Sittingbourne Kent	Houses:	5964
Plan ref:	SW/21/5039/4	Flats:	428
Date:	13/03/2024	Total units:	7150

Current and forecast pupils on roll for schools within		Sittingbourne South and Sittingbourne East planning groups										
DfE no.	School	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)
2055	Lansdowne Primary School	394	409	396	394	384	375	365	366	357	360	361
2126	Sunny Bank Primary School	178	174	183	177	178	173	173	175	171	172	172
2233	Lynsted and Norton Primary School	71	83	73	75	73	73	63	66	64	64	65
2239	Rodmersham School	113	135	114	113	114	105	103	103	101	102	102
2254	Canterbury Road Primary School	207	208	209	206	206	202	202	200	196	197	196
2435	South Avenue Primary School	406	414	400	393	385	378	369	372	364	366	368
2463	Minsterne Community Junior School	373	374	371	378	376	365	365	353	347	352	357
2513	Haks Community Infant School	275	274	264	261	255	260	265	265	266	267	268
3110	Milstead and Fristed CE Primary School	85	60	82	81	89	89	88	90	90	91	91
3117	Teynham Parochial CE Primary School	200	198	197	193	189	187	182	184	180	181	182
3328	Bapchild and Tonge CE Primary School	208	210	215	215	215	214	213	211	206	208	209
3329	Borden CE Primary School	127	122	129	130	134	132	135	133	133	134	135
3330	Bredgar CE Primary School	108	98	109	110	111	112	116	116	117	120	121
3337	Tunstall CE Primary School	422	423	422	428	427	425	425	422	419	423	427
3714	St. Peter's RC Primary School	212	209	208	205	202	201	198	195	192	194	196
3912	Westlands Primary School	575	518	498	486	467	441	442	441	438	442	447
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		3,954	3,909	3,871	3,847	3,804	3,732	3,695	3,693	3,640	3,673	3,697
Required capacity to maintain 2% surplus capacity		4,035	3,989	3,950	3,926	3,881	3,808	3,770	3,769	3,715	3,748	3,773

Current and forecast capacity for schools within		Sittingbourne South and Sittingbourne East planning groups										
DfE no.	School	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)
2055	Lansdowne Primary School	420	420	420	420	420	420	420	420	420	420	420
2126	Sunny Bank Primary School	315	315	315	300	285	270	255	240	225	210	210
2233	Lynsted and Norton Primary School	140	105	105	105	105	105	105	105	105	105	105
2239	Rodmersham School	70	105	100	95	90	85	80	75	70	70	70
2254	Canterbury Road Primary School	210	210	210	210	210	210	210	210	210	210	210
2435	South Avenue Primary School	420	420	420	420	420	420	420	420	420	420	420
2463	Minsterne Community Junior School	360	360	360	360	360	360	360	360	360	360	360
2513	Haks Infant School	270	270	270	270	270	270	270	270	270	270	270
3110	Milstead and Fristed CE Primary School	105	105	105	105	105	105	105	105	105	105	105
3117	Teynham Parochial CE Primary School	210	210	210	210	210	210	210	210	210	210	210
3328	Bapchild and Tonge CE Primary School	210	210	210	210	210	210	210	210	210	210	210
3329	Borden CE Primary School	140	140	140	140	140	140	140	140	140	140	140
3330	Bredgar CE Primary School	105	105	105	105	105	105	105	105	105	105	105
3337	Tunstall CE Primary School	420	420	420	420	420	420	420	420	420	420	420
3714	St. Peter's RC Primary School	210	210	210	210	210	210	210	210	210	210	210
3912	Westlands Primary School	600	540	510	480	450	420	420	420	420	420	420
Current and forecast capacity (1)		4,205	4,145	4,110	4,060	4,040	4,020	4,030	4,040	4,050	4,065	4,095

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

Expected pupil yield from new developments within Sittingbourne South and Sittingbourne East planning groups

Planning reference	Development	Houses	Flats	Primary product
SW/24/500430	The Former Pumping Station St Michaels Road Sittingbourne Kent ME10 1AX	0	10	1
SW/23/502558	87 High Street/1/3 Central Avenue Sittingbourne Kent ME10 4AU	0	18	1
SW/23/503980	The Granary Berkeley House Lynsted Lane Lynsted Sittingbourne Kent ME9 9RL	3	3	1
SW/23/503467	Pembury Court Pembury Street South of Fountain Street Sittingbourne Kent ME10 3EF	0	19	1
SW/23/503228	Cockleshell Walk Car Park St Michaels Road Sittingbourne Kent ME10 1AU	0	35	2
SW/23/502365	77-83 & 87 London Road, Sittingbourne, Kent ME10 1NL	0	15	1
SW/22/505646	Land At Uffon Court Farm Borden Kent	290	0	81
SW/22/502963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN	50	0	14
SW/22/503418	Land At Tonge Road Sittingbourne Kent ME9 9BD (S106)	16	0	0
SW/22/502834	Land West of Church Road Bapchild Tonge Kent	251	75	76
SW/22/500601	Radfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/21/506812	25-29 Staron Street Sittingbourne ME10 3DU	0	3	0
SW/21/505544	Hillfield Heats Dalight Borden Sittingbourne Kent ME9 9RH	5	0	1
SW/21/505498	Land Off Swainstree Avenue Sittingbourne Kent ME10 4LU (S106)	125	0	0
SW/21/505096	Land To The North of Lower Road Teynham Kent ME9 9EL	23	0	6
SW/21/502609	Land To The East of Lynsted Lane Lynsted Kent ME9 9QN (S106)	10	0	0
SW/21/501334	Land At Fox Hill And School Lane Bapchild Kent ME9 9NL	95	0	27
SW/20/506066	Storage Land At Lomas Road Bapchild Kent ME9 9BD	14	0	4
SW/20/505156	Former Sittingbourne Adult Education Centre College Road Sittingbourne Kent ME10 1LF (S106)	5	17	0
SW/20/503665	88-100 West Street Sittingbourne Kent ME10 1AS	0	10	1
SW/20/503325	Land East Of Crown Quay Lane Sittingbourne Kent ME10 3ST (S106)	47	30	0
SW/20/503223	Barrow Green Farm Frenchs Row Barrow Green Teynham ME9 9EH	9	0	3
SW/20/501631	Moore's Yard Crown Quay Lane Sittingbourne ME10 3JN	12	15	4
SW/19/505036	Land South of London Road Teynham Kent ME9 9QJ	70	10	20
SW/18/501693	Land To The Rear of 45-55 High Street Sittingbourne Kent ME10 4BJ (S106)	0	24	0
SW/18/500460	Former Conyer Brickworks Conyer Quay Conyer Kent ME9 9HJ	24	0	7
SW/17/505711	Land at Wises Lane, Borden (S106)	675	0	0
SW/16/507689	Land between Froggal Lane and Orchard View, Lower Road, Teynham (S106)	300	0	0
New developments within the planning area		2,044	284	252
This development		5,964	428	1,705

Assessment summary

Detail	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)
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)	170	156	160	134	159	212	260	271	335	317	322
Expected pupil yield from new developments	252	252	252	252	252	252	252	252	252	252	252
Surplus / (deficit) capacity including the expected pupil yield from new developments	-81	-96	-92	-118	-93	-40	8	19	83	65	70
Expected pupil yield from this development	1,705	1,705	1,705	1,705	1,705	1,705	1,705	1,705	1,705	1,705	1,705
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-1,787	-1,801	-1,797	-1,823	-1,798	-1,745	-1,697	-1,606	-1,622	-1,640	-1,635
Expected pupil yield from this development that on current plans for school provision cannot be accommodated	1,705	1,705	1,705	1,705	1,705	1,705	1,697	1,686	1,622	1,640	1,635

Background notes:

Pupil forecasts 2023 employed from September 2023. Incorporating roll data from Schools Census Autumn 2022. Data from the Health Authority includes pre-school children born up to 31st August 2022. 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

District:	Seale	Non-applicable units:	739
Site:	Land South And East Of Sittingbourne Kent	Houses:	5904
Plan ref:	SW/21/503914	Flats:	428
Date:	13/03/2024	Total units:	7150

Current and forecast pupils on roll for schools within

DfE no.	School	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups										
		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)
4002	Sittingbourne School	1,402	1,418	1,464	1,497	1,487	1,514	1,519	1,521	1,536	1,520	1,468
4080	Higsted Grammar School	720	688	714	714	701	724	718	715	707	707	665
4527	Borden Grammar School	664	686	701	721	714	724	721	720	722	715	694
5414	Fulston Manor School	1,860	1,857	1,867	1,863	1,863	1,861	1,873	1,865	1,866	1,846	1,815
5434	Westlands School	1,595	1,591	1,661	1,690	1,691	1,746	1,746	1,747	1,749	1,753	1,716
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		5,441	5,440	5,606	5,706	5,676	5,791	5,776	5,768	5,788	5,741	5,579
Required capacity to maintain 2% surplus capacity		5,552	5,551	5,721	5,822	5,792	5,910	5,894	5,897	5,907	5,858	5,692

Current and forecast capacity for schools within

DfE no.	School	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups										
		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)
4002	Sittingbourne School	1,410	1,440	1,440	1,440	1,410	1,380	1,350	1,350	1,350	1,350	1,350
4080	Higsted Grammar School	750	690	690	690	690	720	750	750	750	750	750
4527	Borden Grammar School	660	690	720	750	750	750	750	750	750	750	750
5414	Fulston Manor School	1,650	1,650	1,650	1,650	1,650	1,650	1,650	1,650	1,650	1,650	1,650
5434	Westlands School	1,590	1,560	1,545	1,500	1,455	1,440	1,425	1,425	1,425	1,425	1,425
Current and forecast capacity (1)		5,460	5,430	5,445	5,430	5,355	5,340	5,325	5,325	5,325	5,325	5,325

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

Expected pupil yield from new developments within

Planning reference	Details	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups		
		Houses	Flats	Secondary product
SW/24/50552	151 Seafhurst Road Sittingbourne Kent ME10 1J5	20	24	5
SW/24/50438	The Former Pumping Station St Michaels Road Sittingbourne Kent ME10 1AX	0	10	1
SW/24/50001	Land Off Sheppey Way Inwide Kent ME9 9JY	6	0	1
SW/23/50576	Land West Of Warden Road Eastchurch Kent ME12 4EJ	27	3	1
SW/23/50558	87 High Street/1-5 Central Avenue Sittingbourne Kent ME10 4AU	0	18	1
SW/23/505365	Land To The Rear Of Eden Meadow Newington Kent ME9 7JH	25	0	5
SW/23/50380	The Garden Bellisle House Lynsted Lane Lynsted Sittingbourne Kent ME9 9RL	3	3	1
SW/23/50347	Pembury Court Pembury Street South Of Fountain Street Sittingbourne Kent ME10 3EF	0	19	1
SW/23/50328	Oodleshall Walk Car Park St Michaels Road Sittingbourne Kent ME10 1AU	0	35	2
SW/23/50308	Land On Northern Side Of Canterbury Lane Upchurch Kent ME9 9JW	36	4	7
SW/23/502365	77-83 & 87 London Road, Sittingbourne, Kent ME10 1ML	0	15	1
SW/22/505646	Land At Upton Court Farm Borden Kent	290	0	58
SW/22/505399	W1 Desborough Hill Road Rushenden Queensborough Kent	22	0	1
SW/22/505076	Land At Pleasant Farm Bramblefield Lane West Of Inwide Bypass Sittingbourne Kent	42	0	8
SW/22/504274	Land At Sittingbourne Mill Mill Way Sittingbourne Kent ME10 2DZ	0	107	5
SW/22/503654	Land To The West Of Bobbing Sittingbourne Kent ME9 9JL	1,750	500	375
SW/22/503418	Land At Tonge Road Sittingbourne Kent ME9 9BD (S106)	16	0	0
SW/22/502963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN (S106)	50	0	0
SW/22/502881	Land South Of B Rushenden Road Queensborough Kent ME11 5HB	13	12	1
SW/22/502834	Land West Of Church Road Burchill Tonge Kent (S106)	251	75	0
SW/22/502096	Land To The East Of Scodles Road Minster-on-sea Kent	650	0	33
SW/22/501905	77 High Street Newington Sittingbourne Kent ME9 7J1	10	0	2
SW/22/500601	Rudfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/22/500275	Land South Of London Road Newington Kent (S106)	135	0	0
SW/21/506412	25-29 Station Street Sittingbourne Kent ME10 3DU	0	3	0
SW/21/506014	The Lane 2 Church Street Milton Regis Sittingbourne Kent	0	12	1
SW/21/505722	128 High Street Newington Sittingbourne Kent ME9 7JH (S106)	39	0	0
SW/21/505544	Hillfield Hursts Dalight Borden Sittingbourne Kent ME9 9JX	5	0	1
SW/21/505498	Land Off Seustraze Avenue Sittingbourne Kent ME10 4LU (S106)	135	0	0
SW/21/505096	Land To The North Of Lower Road Teynham Kent ME9 9EY	23	0	5
SW/21/505041	Land North Of Lower Road Eastchurch Kent	59	0	3
SW/21/503124	Land To The North Of Elm Avenue Minster-on-sea Sheerness Kent ME12 3RZ (S106)	44	0	0
SW/21/502609	Land To The East Of Lynsted Lane Lynsted Kent ME9 9JW (S106)	10	0	0
SW/21/502038	Northern Phase Regent Quay Crown Quay Lane Sittingbourne Kent (S106)	84	10	0
SW/21/501839	Land Off Otterham Quay Lane Upchurch Kent (S106)	74	0	0
SW/21/501740	Land At Hill Farm Road Lane Keycol Hill Bobbing (S106)	30	0	0
SW/21/501234	Land At Fox Hill And School Lane Bapchild Kent ME9 9NL	95	0	19
SW/21/500204	181 House At Home 158-162 High Street Sheerness Kent ME12 1UX	0	4	0
SW/20/506107	Rea's Orchard, Pursoyve Close, Minster-on-Sea ME12 3DX	9	0	0
SW/20/506066	Storage Land At Lomas Road Bapchild Kent ME9 9BD	14	0	3
SW/20/505921	Land At Highfield Road Minster-on-sea Kent (S106)	19	0	0
SW/20/505156	Former Sittingbourne Adult Education Centre College Road Sittingbourne Kent ME10 1UF (S106)	5	17	0
SW/20/505059	Willow Trees 111 High Street Newington Sittingbourne Kent (S106)	10	0	0
SW/20/503032	Dale of Clarence Trading Estate High St Blue Town, Sheerness Kent ME12 3RQ	5	6	0
SW/20/503665	88-100 West Street Sittingbourne Kent ME10 1AS	0	10	1
SW/20/503636	The Former Kersley Arms Public House The Square Sittingbourne Kent ME10 2SL	0	13	1
SW/20/503225	Land East Of Crown Quay Lane Sittingbourne Kent ME10 3ST (S106)	47	30	0
SW/20/503223	Barrow Green Farm Frenchs Row Barrow Green Teynham ME9 9EH	9	0	2
SW/20/502715	Bobbing Car Breakers Sheppey Way Bobbing Sittingbourne Kent (S106)	12	4	0
SW/20/502511	Moore Yard, Crown Quay Lane Sittingbourne Kent ME10 3JN	12	15	3
SW/20/501206	240-248 High Street Sheerness Kent (S106)	0	9	0
SW/19/505036	Land South Of London Road Teynham Kent ME9 9JY	70	10	15
SW/19/504831	Land at Scodles Farm, Minster on Sea, Sheerness Kent ME12 3RU (S106)	12	0	0
SW/19/504736	The Ivy Leaf, Members Club, High Street Sheerness ME12 1NL (S106)	0	6	0
SW/19/503974	Land East Of Inwide Kent ME9 9ST (S106)	395	48	0
SW/19/503145	12 Bramblefield Lane East Of Inwide Kent (S106)	22	0	0
SW/19/501693	Land To The Rear Of 45-55 High Street Sittingbourne Kent ME10 4B1 (S106)	0	24	0
SW/19/501332	Land At Pond Farm Grovehurst Road Sittingbourne Kent ME9 9BD (S106)	72	0	0
SW/18/506677	Halfway Egg Farm Featherbed Lane Sittingbourne ME9 9BA (S106)	19	0	0
SW/18/506460	Former Conyer Brickworks Conyer Quay Conyer Kent ME9 9HD	24	0	5
SW/18/506238	Land Lying To The South Of Dunlin Walk Inwide Kent ME9 8TG (S106)	20	0	0
SW/18/505157	Land North Of Sandling Way Inwide Kent ME9 8TJ	60	5	12
SW/18/503272	Land at Great Grovehurst Farm Grovehurst Road Sittingbourne (S106)	110	0	0
SW/18/502190	Land North Of Quinton Road Sittingbourne	913	201	193
SW/17/505711	Land at Wises Lane, Borden (S106)	675	0	0
SW/16/507689	Land between Frogal Lane and Orchard View, Lower Reas, Teynham (S106)	300	0	0
New developments within the planning area		6,788	1,252	771
This development:		5,964	428	1,218

Assessment summary

Details	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)
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)	-92	-121	-276	-392	-437	-570	-589	-561	-582	-533	-367
Expected pupil yield from new developments	771	771	771	771	771	771	771	771	771	771	771
Surplus / (deficit) capacity including the expected pupil yield from new developments	-863	-892	-1,047	-1,163	-1,208	-1,341	-1,340	-1,332	-1,353	-1,304	-1,129
Expected pupil yield from this development	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-2,081	-2,110	-2,265	-2,381	-2,436	-2,559	-2,558	-2,550	-2,571	-2,522	-2,357
Expected pupil yield from this development on current plans for school provision cannot be accommodated	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218

Background notes:

Pupil forecasts 2023 employed from September 2023. Incorporating roll data from Schools Census Autumn 2022. Data from the Health Authority includes pre-school children born up to 31st August 2022. 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.

Education Build and Land Contributions
Appendix 1a

Site Name	Land South & East Sittingbourne
Reference No.	21/503914
District	Swale

	Houses	Flats	Total
Unit Numbers	5984	428	6412

Primary Education			
		Per house	Per flat
Primary pupil generation rate		0.28	0.07
New Primary Pupils generated from this development			1,705
New Primary School build contribution			
	per Pupil	per House	per Flat
New Build Rate	£25,289.80	£7,081.20	£1,770.30
Contribution requested towards New Primary School Build			£43,131,589.20

Secondary Education			
		Per house	Per flat
Secondary pupil generation rate		0.20	0.05
New Secondary Pupils generated from this development			1,218
New Secondary School build contribution			
	per Pupil	per House	per Flat
New Build Rate	£27,935.95	£5,587.19	£1,396.80
Contribution requested towards New Secondary School Build			£34,031,575.36

Special Education Needs			
		Per house	Per flat
SEN pupil generation rate		0.0110	0.0027
New SEN Pupils generated from this development			67
New Special Educational Needs build contribution			
	per Pupil	per House	per Flat
New Build/Expansion Rate	£50,893.35	£559.83	£139.96
Contribution requested towards New SEN School Build			£3,409,925.60

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

Appendix 3B - Communities' Assessment

**KCC Communities
Development Contributions Assessment**

Site Name	Land South & East of Sittingbourne
Reference No.	21/503914
District	Swale
Assessment Date	30/05/2024
Development Size	7,150
Non-Applicable Dwellings (under 56sqm GIA)	738

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 **317 clients**

Contributions requested from this development	£34.21 per dwelling
<i>7150 dwellings from this proposal</i>	£244,601.50

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 **882 clients**

Contributions requested from this development	£74.05 per dwelling
<i>6412 dwellings from this proposal</i>	£474,808.60

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 Swale (Dec 2022) **669**

<i>Target: National Library Standard bookstock items per 1,000 population (upper threshold)</i>	1,532
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New borrowers from this development **1844 borrowers**

Contributions requested from this development	£62.63 per dwelling
<i>7150 dwellings from this proposal</i>	£447,804.50

Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Sittingbourne.

Net contributions requested for KCC Communities' Services **£1,167,214.60**

Appendix 3C – Social Care Assessment

**ADULT SOCIAL CARE ASSESSMENT REPORT
APPENDIX 3**

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

Site Name	Land South & East of Sittingbourne
Reference No.	21/503914
District	Swale
Assessment Date	30/05/2024
Development Size	7,150

Net Social Care contributions requested: Social Care and Health Services	£1,293,292.00
<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><i>Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures</i></p> <p>* Under the Care Act 2014, Mental Health Act 1993 and Mental Capacity Act 2005</p> <p>**https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing</p>	

A. ASSISTIVE TECHNOLOGY & HOME ADAPTATION EQUIPMENT	<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. ADAPTING COMMUNITY FACILITIES	<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>
C. SENSORY FACILITIES	<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>
D. CHANGING PLACE	<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>
E. SPECIALIST CARE HOUSING	<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>

New Social Care Clients generated from this development:	660 client(s)
<i>Forecast SC clients generated from ALL proposed developments within the District (up</i>	1,511 clients
Contributions requested from this development	£1,293,292.00
<i>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.</i>	

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.

Appendix 3D – Waste Assessment

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

Site Name	Land South& East of Sittingbourne
Reference No.	21/503914
District/Area	Swale
Assessment Date	30/05/2024
Development Size	7,150

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	7,150
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	£9,963,313.00
4. Cost per new dwelling (£9,963,313 / 70,100 new homes)	£142.13
Contributions requested from this development	£142.13 per dwelling
7,150 dwellings from this proposal	£1,016,229.50
Contributions requested towards Sittingbourne WTS	

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	7,150
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	£3,338,400.00
4. Cost per new dwelling (£3,338,400 / 64,200 new homes)	£52.00
Contributions requested from this development	£52.00 per dwelling
7,150 dwellings from this proposal	£371,800.00
Contributions requested towards closer of Sheerness, Sittingbourne or Faversham HWRC	

Net Contributions requested for KCC Waste from this development	£1,388,029.50
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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.

4. Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, provided the following commentary direct to the Borough Council on 8 April 2024 (Appendix 4A).

Appendix 4A – Minerals and Waste Planning Authority Response

From: Bryan.Geake@kent.gov.uk
Sent: Monday, April 8, 2024 9:20 AM
To: Matt Duigan

Subject: RE: Comments for 21/503914/EIOUT

Dear Matt

Planning Application 21/503914/EIOUT

Thank you for your email regarding the above. In terms of safeguarded mineral potential, the southern site (application ref: 21/503914/EIOUT) is somewhat less than that of the northern site. Therefore, the County Council has no particular concerns for safeguarded mineral deposits in this area, and raises no objection on mineral safeguarding grounds. I hope that is useful for your determination of the proposals, if you would wish to discuss any of the above further, please do not hesitate to contact me again.

Yours sincerely

Bryan Geake BSc Hons (Geol), MSc, MRTPI Bryan Geake | Principal Planning Officer | Minerals and Waste Planning Policy | Growth, Environment and Transport | Kent County Council First Floor, Invicta House, County Hall, Maidstone, Kent ME14 1XX | Telephone: 03000 413376 | www.kent.gov.uk/planning

5. Sustainable Urban Drainage Systems

The County Council, as Lead Local Flood Authority Planning Authority, provided the following commentary direct to the Borough Council on 27 March 2024 (Appendix 5A).

Appendix 5A – Lead Local Flood Authority Response



Matt Duigan
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Flood and Water Management
Invicta House
Maidstone
Kent
ME14 1XX

Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: SBC/2021/086050
Date: 27 March 2024

Application No: 21/503914/EIOUT

Location: Land South And East Of Sittingbourne Kent

Proposal: Southern Site. Outline Planning Application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorpace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorpace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighbourhood facilities including commercial, business and employment floorpace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorpace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works

Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority have the following comments:

Since our last response dated the 30th of January 2023, further communications have been had with the with the applicant's drainage representatives that has addressed those previous concerns stated.

In a meeting held on the 3rd of March 2024, it was confirmed by the applicant's consultant that the 3.1 litres a second per hectare discharge rate used in the design submitted was to

demonstrate the operational capacity of the system and that detailed designs going forward will utilise a complex control with a staged discharge rate equivalent to the required critical rainfall events.

Further clarification was also provided regarding the onwards conveyance of surface water from the parcels previously detailed whereby, the existing dry valley will be utilised directly or on site drainage swales will be constructed connecting into these valley features.

As part of the conversations, we explained that we will expect for the detailed design of the drainage network to be submitted as part of any reserved matters application in order to demonstrate that the drainage can be accommodated within the site layout proposed. In addition to this, demonstrate that there is no increase to the risk of flooding to or from the development in association with surface water.

Whilst we aware Southern Water maintains their objection to the use of infiltration, the LLFA accept the general principles proposed for managing water quality as detailed in both the Environmental Statement (Volume 1 chapter 12) and the Drainage Strategy (Water Cycle Study - Vol 3 Surface Water). It is expected for any future Reserved Matters submissions to provide detailed information to demonstrate that sufficient measures are in place to protect receiving waters. This information will need to also contain the details of the Hydrogeological Risk Assessment referenced in para 12.21 of the Environmental Statement: Volume 3, Non Technical Summary in order to specifically demonstrate that there is no risk of pollution to groundwater.

Ultimately, the remit of groundwater protection rests with the Environment Agency, who we note raise no objection at this stage.

In relation to the technical document 16-023-R7010-11 (Rev A) relating to the appropriateness of the application of the sequential test and definitions cited within the Swale SFRA, this ultimately rests as a matter for the LPA to consider. However, given that the NPPF requires the application of the sequential test to consider the risk of flooding in association with all flood risks, we would suggest that the definition of the 'zones' be it either Flood Zone 3 or 'Surface Water Functional Flood Zones' seems a somewhat moot point, given that all parties agree that the dry valleys at times convey surface water and so form 'a risk' of flooding. That being said and regardless of what you as the LPA decide as to the appropriateness of the application of the sequential test, the requirement for a sequential approach to the design of proposals be they in association with infrastructure or dwellings would still apply and we would expect for evidence to be provided in association with any future submission to demonstrate that this has been considered accordingly.

Should you as LPA be minded to grant planning permission for the proposals, we would recommend that the following conditions with advisories be applied:

In association with future Reserved Matters Applications, we would emphasize that additional ground investigation will be required to support the use of infiltration (or indeed to support not using it). It is recommended that soakage tests be compliant with BRE 365 or BS 5930. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway feature will have an appropriate half drain time.

Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information.

Given the site is located within multiple Groundwater Source Protection Zones it is essential that further consultation is undertaken with the Environment Agency's groundwater protection team regarding the use of infiltration on this site, and their comments included within any submission.

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:

No development shall take place until the details required by condition 1 (assumed to be reserved matters condition for layout) demonstrate that an effective outfall for surface water is provided for the development layout. This information may include details of surveys of watercourses and culverts and / or details of any works that may be necessary to deliver an effective outfall for surface water.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water

Condition:

Development shall not begin until a phasing plan for the surface water drainage scheme has been submitted to (and approved in writing by) the local planning authority, which demonstrates the provision of the drainage network to serve any designated Phase 1 or subsequent phases prior to occupation. The phasing plan shall indicate and provide details of:

- any strategic provision for surface water drainage required across phases
- any temporary works requirement associated with the construction of the surface water drainage

Reason:

To ensure that any phase of development is served by satisfactory arrangements, at the time at the time of construction, for the disposal of surface water and that they are incorporated into the proposed layouts.

Condition:

Development shall not begin in any phase 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 be based upon the Flood Risk Assessment ref 16-023-3002 prepared by Glenn Charles Associates and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

Any detailed drainage scheme will also be required to demonstrate that any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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 175 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,

Neil Clarke

Sustainable Drainage Team Leader
Flood and Water Management

6. Heritage Conservation

Heritage Conservation Comments will be provided direct to Swale Borough Council in due course.

7. **Biodiversity**

The County Council, in respect of Biodiversity matters, provided the following commentary direct to the Borough Council on 26 April 2024 (Appendix 7A).

Appendix 7A – Biodiversity Response



ECOLOGICAL ADVICE SERVICE

TO: *Matt Duigan*

FROM: *Helen Forster*

DATE: *26 April 2024*

SUBJECT: *21/503914/EIOUT Land South And East Of Sittingbourne*

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 advise that as the updated ecological information was limited to the Habitat Regulations Assessment we advise that our comments have not significantly changed. We advise that we would have expected an updated walk over survey to have been submitted as part of this application to demonstrate that the conclusions of the original survey are still valid.

We have reviewed the ecological information submitted with the planning application and we advise the following:

The following ecological surveys have been carried out:

- NVC surveys of the LWS and Ancient Woodland
- Bat emergence surveys
- Bat Hibernation surveys
- Bat activity/automated surveys
- Badger survey
- Dormouse surveys
- Breeding bird surveys
- Wintering bird surveys
- GCN HSI and eDNA surveys
- Reptile Surveys

- Invertebrate surveys

The surveys have detailed the following:

- The Swale SPA, SSSI and Ramsar site within 2km of the proposed development
- Local Wildlife Site and Ancient Woodland within or adjacent to the proposed development boundary
- A number of International/National/Locally designated sites within 5-10km of the proposed development site.
- Lowland mixed deciduous woodland, lowland meadow and open mosaic habitat on previously development land (all priority habitats) within the Highstead Quarry LWS
- The woodland within and adjacent to the site (including the ancient woodland and Corner's Wood LWS) has been assessed as lowland mixed deciduous woodland (a priority habitat)
- The parkland within the site has been assessed as Wood-pasture and Parkland (a priority habitat).
- Hedgerows throughout the site – hedgerows are a priority habitat and some hedgerows are considered important under the regulations.
- Building 4 (as per the Ecological Appraisal) recorded a brown long eared bat roost.
- Building 6 (as per the Ecological Appraisal) recorded a soprano pipistrelle bat roost and a brown long eared maternity roost.
- The quarry tunnels in the LWS considered to be used by brown long eared bats as a hibernation roost.
- Confirmed noctule bat roost within a tree in the LWS
- Possible common and soprano pipistrelle roosts within the trees in the parkland/Highstead wood AW.
- At least 6 species for bats recorded foraging/commuting within the site.
- 20 active badger setts recorded (including 3 main setts)
- Dormouse (population may have expanded since the 2017 survey)
- Brown hare (priority species)
- Potential for hedgehog (priority species)
- GCN recorded within a pond to the south of the site
- 71 species of bird during the breeding bird survey (35 species confirmed/probable breeders). Including barn owl a schedule 1 species (Wildlife and countryside Act 1981 (as amended).
- 50 species of birds recorded during the wintering bird survey (including farmland bird and priority species)
- Slow worm and common lizards
- At least 247 species of invertebrate – including species of notable conservation status.

The submitted ecological information provides a good understanding of the ecological interest of the site. However an updated site visit/ecological appraisal has not been carried out since the 2021 ecological reports were produced and the surveys are now at least 4 years old. When we previously commented we highlighted that it is likely/possible that the

dormouse population may have increased since 2017 particularly within the Highstead Quarry's Local Wildlife Site as at the time of the initial survey the vegetation had only recently established on site. This point has not been addressed within the updated mitigation strategy however we acknowledge that Highstead Quarry LWS is no longer being lost as part of the proposal.

Mitigation

The 'mitigation hierarchy' described in British Standard BS 42020:2013, which involves the following step-wise process:

- Avoidance – avoiding adverse effects through good design;
- Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;
- Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

We advise that the proposed development is not following the steps of the mitigation hierarchy as the proposal will result in the direct loss of Local Wildlife Site and Ancient Woodland through the creation of the road associated with the proposed housing – these areas are of at least county importance.. We note that the loss of LWS has been reduced since the original design but highlight that a large number of the protected species were recorded within the LWS and the AW and the creation of the road will result in the site being dissected in two. No green bridge has been proposed within this area to reduce the connectivity issue.

The National Planning Policy Framework (NPPF) (2023) paragraph 186 states *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”* We note that a detailed compensation strategy for the loss of the AW has not been provided as part of this application but information has been provided confirming at least 8.1ha of replacement woodland will be created within the site. We highlight that the compensation planting also incorporates the AW buffer for the area of ancient woodland in the south of the site. We highlight that part of the woodland planting would have had to be carried out to mitigate the impact on the area of AW in the south of the site and therefore the whole area can't be considered compensation for the loss of AW. We advise that the creation of the woodland planting can be considered as compensation under the NPPF but advice that SBC must be satisfied that there are wholly exceptional reasons for the proposal

An overarching mitigation strategy has been submitted as part of this application and mitigation largely relies on the creation of the proposed country park. We acknowledge that, theoretically, for the majority of species there is capacity within the site to support the species recorded within the site. However the ecological mitigation areas will also be used for other purposes such as the provision of SUDS and recreation – in particular we are

concerned with the impact of recreation. The report has tried to address this point by detailing that that dedicated amenity areas and informal recreation zones will be created to try and manage visitors/residents to the site. The majority of the open space areas are either minimal access or provide information recreation and from an ecology perspective we are supportive of this but due to the numbers of dwellings proposed and adjacent to the site we query if the impact from recreation will be greater than anticipated within the assessment. There is a need to ensure the proposed habitat creation can be implemented and retained on site to ensure the proposed species and habitat mitigation can be achieved. Currently we are concerned that the proposed mitigation will not be achievable and we advise that SBC must take advice on that point internally / organisations with experience of managing open space.

A skylark mitigation strategy has been proposed for the adjacent habitat to the site to provide skylark mitigation as skylarks required open areas for breeding. However we understand that the land proposed for skylark mitigation is currently being considered under application 24/500125/FULL as a solar farm. Therefore the previously proposed mitigation is no longer valid and further details on the proposed mitigation are required. We highlight that even if application 24/500125/FULL is not implemented this site may no longer be suitable as a mitigation option due to the numbers of skylarks which were recorded during the breeding bird surveys for that application.

A biodiversity net gain assessment has been submitted and it has assessed that an anticipated net gain of up to 21% for habitats is proposed. The results of the BNG metric is largely based on the proposal to improve the condition of the retained habitats within the site. As detailed above we have concerns that the recreational pressure will not enable the habitats to establish as intended and therefore the resulting in the development not achieving the anticipated net gain.

To enable connectivity across the road culverts/hop-overs and one green bridge is proposed. However we note that the green bridge is within the urban area which doesn't appear to be the best location to support wildlife connectivity – we would expect it to be located in areas where it links habitat – such as two sections of the country parks. We recommend that a green bridge is created to link sections of the country park. Details of the green bridge must be provided to enable SBC to consider if it is appropriate.

The lighting design principal plans provides details of where there will be avoidance of lighting spill or restrictions on lighting spills – this includes areas directly adjacent to the main road. We query why the lighting plan does not demonstrate that the intention is to minimise light spill within all areas where roads are adjacent to green space – for example the proposed/existing road through the LWS. As the lighting plan will impact the proposed road we advise that SBC will need to be satisfied that restricted lighting within those areas is achievable.

Habitat Regulations Assessment

We have reviewed the HRA and we advise that additional information is required regarding the curlew mitigation.

The report has concluded that the proposed could have a negative impact due to recreational pressure, loss of functionally linked land for curlew and habitat degradation due to air quality.

Recreational Pressure

The following mitigation is proposed to mitigate the impact of recreational pressure:

- Enhanced payment to the SAMMS
- Creation of open space within the site.

We advise that we are satisfied that the above measures are appropriate.

Functionally Linked Land

Curlew have been recorded within the site on a sporadic basis and the HRA has detailed that to mitigate the impact and to provide further certainty on this aspect, a proportionate and justified financial contribution could be made to offsite projects to deliver new habitat creation for this species. The submitted information has detailed that It is proposed that further details of such measures are secured by condition or planning obligation however information must be provided to confirming what measures will be implemented to ensure that an offsite project can be implemented.

Air Quality:

The report has concluded the following:

- No measurable change to NO_x, ammonia or N deposition along the A299 is expected to occur as a result of the proposed development;
- Along the A249, there would be an exceedance of the relevant critical levels/loads within 25-40m of the road. The majority of this area comprises vegetated highway verges of negligible importance in terms of the SPA/Ramsar;
- The proposed development itself is anticipated to result in a small increase in the area subject to exceedance of such levels relative to the without development scenario, in the region of an additional 5m from the road. This equates to approximately 1.5ha of the SPA/Ramsar, comprising around 0.023% of the total area;
- Beyond 15m from the road, the change in nitrogen deposition is below 1.3kg, such that no measurable change in vegetation is anticipated beyond this distance. No supporting habitats are located within 15m of the road;

On the understanding that the highways assessments used to inform the HRA are correct we advise that we agree with the conclusions regarding the impact due to air quality. However if the highways assessment is incorrect we advise that the HRA will have to be reviewed following the update of the highways assessment.

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:

Base Line Ecological Appraisal; June 2021
Ecological Mitigation Strategy; Aspect Ecology; October 2022
Report to Inform HRA; Aspect Ecology

8. Culture and Creative Economy

The County Council requests details around the consideration of cultural facilities and activities in the immediate and surrounding areas and would draw the applicant's attention to the [Cultural Planning Toolkit](#).

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Growth and Communities

Matt Duigan
Swale Borough Council
Development Control
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Invicta House
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 411683
Ask for: Stephanie Holt-Castle
Email: Stephanie.Holt-Castle@kent.gov.uk

BY EMAIL ONLY

26 June 2024

Dear Matt,

Re: Outline application with all matters reserved for a proposed development at land to the West Of Teynham, London Road, Teynham, Kent [application reference: 21/503906/EIOUT]

Thank you for consulting Kent County Council (the County Council) on the outline planning application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of the demolition and relocation of existing farmyard and workers' cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.

The County Council notes that this application has been submitted alongside a related proposal at land south and east of Sittingbourne (reference: 21/503914/EIOUT). A separate response is being made in respect of that application, and where appropriate, the cumulative impact of these two applications is considered. Commentary will make it clear where this is the case.

The County Council draws reference within this response to the prior responses submitted in respect of this, and the related land at south and east of Sittingbourne application. These

responses were provided on 30 November 2021 and 1 March 2023 and are available on the planning application portal for reference.

In summary, and in considering the application as it currently stands, the County Council raises a **holding objection** on the following grounds:

- The proposal requires appropriate modelling and information to provide the County Council, as the Local Highway Authority, with an adequate understanding of the impact of the development in respect of highways and transportation. As such, the County Council is not in a position to properly assess whether proposed mitigation measures are acceptable. Furthermore, the Local Highway Authority has also set out within this response where further mitigation is required. The response below sets out clearly the actions required from the applicant.
- The changes made to the application do not reflect prior comments or advice from the County Council, as Local Highway Authority, responsible for the Public Rights of Way (PRoW) Network. The amendments / additional information do not alter the significant adverse impact on the recorded PRoW Network and the significant loss of open countryside. There is a clear need for discussions and contributions towards the incorporation, improvement and management of the PRoW network given the scale of the development proposed. As such, the concerns set out in County Council responses dated 30 November 2021 and 1 March 2023 remain.
- There continues to be insufficient information to demonstrate there would not be sterilisation of safeguarded mineral deposits. The proposal therefore fails to provide sufficient information to the County Council, as the Minerals and Waste Planning Authority, to fully assess whether the proposed development can invoke any exemption criterion of Policy DM 7: Safeguarding of Land-won Minerals (Kent Minerals and Waste Local Plan 2013-30 (as Partially Reviewed)).

The County Council would welcome engagement with the applicant and the Local Planning Authority in respect of the contributions required as detailed within Chapter 3 (Development Investment).

The County Council has reviewed the application in its entirety and has an extensive commentary to raise in response to the proposal, set out clearly below, in a subject chapter format. The County Council is disappointed to note that matters raised during earlier consultations have not been addressed and would urge the applicant to engage with the County Council as soon as possible to resolve the outstanding matters.

The County Council will continue to work closely with the Borough Council to help ensure the delivery of new housing and infrastructure in response to local needs – delivering sustainable growth for the Swale Borough. The County Council will welcome engagement with the applicant and 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 sincerely,



Stephanie Holt-Castle
Director – Growth and Communities

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1. Highways and Transportation

Introduction

The applicant has now submitted a suite of updated Transport Assessment documents following the previous consultation responses provided in early 2023, and now seeks to enable determination of this application in isolation, without reliance on the wider Highsted Park application (21/503914/EIOUT) and the highway infrastructure contained within that proposal for a southern link road between the A2 and the M2.

As the previous submission had only envisaged a single planning scenario that assessed the impact of both applications together, it could not be determined on its own merits. The current application has therefore provided traffic modelling and assessment of the scenario where only the Sittingbourne Northern Relief Road between the A2 and Swale Way is delivered, and the southern development with its associated infrastructure is entirely excluded. The response below will comment on the following updated Transport Assessment documents where appropriate:

- Transport Assessment Volume 1 (Rev A) – Executive Summary
- Transport Assessment Volume 2 (Rev C) – Policy Context & Strategic Justification
- Transport Assessment Volume 3 (Rev D) – Site Context
- Transport Assessment Volume 4 (Rev A) – Development Proposals
- Transport Assessment Volume 5 (Rev D) – Sustainable Transport Strategy
- Transport Assessment Volume 6 (Rev A) – Highway Infrastructure Proposals
- Transport Assessment Volume 7 (Rev E) – Traffic Impact Appraisal
- Transport Assessment Volume 8 (Rev D) – Mitigation Proposals

Transport Assessment Volume 3 - Site Context

Baseline Operation

Previous comment – *“The 2017 Base data as shown in table 4.1 taken from the Swale (STM) has been checked and all flows other than the AM flows on the A249 north of the A2 and both the AM and PM flows between M2 J6 and J7 are agreed as accurate.”*

Table 4.1 in the latest version still retains the same two queried figures.

Action - Clarity is required for the two figures mentioned above that we are unable to replicate, and evidence that the correct figures have been used in the modelling.

Highways Safety

Previous comment – *“The Highways safety section is presented in a summary form only without any details of the incidents that have occurred, it is therefore not possible to review whether or not there are any patterns. Greater detail of the incidents reviewed should be*

presented along with any specific clustering alongside a justification for each assessment. This assessment will enable us to confirm or otherwise the conclusions made by the applicant.”

This information has still not been submitted, as the applicant considers that it is not relevant to the current stage of the application, and should be considered at the latter stages. The County Council does not agree with this position and considers that the information is relevant at this stage in the process and requests that the information is provided. It is accepted that a further review can take place for the latter stages but an initial assessment is required.

Action - Greater detail of the incidents reviewed should be presented along with any specific clustering with a justification for each assessment.

TA Documents 4 & 6: Development / Highway Infrastructure Proposals

Proposed New Infrastructure

It is appreciated that the application has been made in a three-tiered format, and only the principle of the development is to be considered at this first tier, and permission at this stage would not determine the access details. The information provided for the Sittingbourne Northern Relief Road (SNRR) and access strategy are therefore illustrative only, and provide a level of detail to give an indication of where the roads, junctions and site access locations may be located, and allow assessment of the high level road network. Further detailed assessment of local roads in the immediate vicinity would be undertaken at Tier 2 stage.

For Tier 1 assessment, the indicative road layout and junction positions are considered to be acceptable in the context of connecting to the existing highway, and the conceptual form of these junctions is appropriate, subject to detailed design at Tier 2.

Conceptually, Hempstead Lane would be severed across the new road and a turning head provided on the southern section to facilitate access from the A2 only. The principle of this is agreed, together with the SNRR being provided as 7.3m wide road and additional off-carriageway cycle provision. This will need to accord with the guidance contained within LTN1/20, and will be determined at Tier 2.

Link North of Bapchild from Junction X to R

The speed limit transition point and proposed speeds from 30MPH to 40MPH at a point just South of Junction X is agreed. This extends the current 30MPH zone from Sittingbourne past the Stones Farm access to Junction.

Link connecting to the SNR between junction X to W

Heading to the south, the proposed continuation of the SNRR elevates over Lomas Road and the North Kent Mainline railway. Pre-application discussions with Network Rail on the

principle of a bridge as demonstrated were conducted. During those discussions it was acknowledged that the bridge would provide for strategic highway as identified with the County Council's Local Transport Plan 4. As is appropriate for this stage of an application, no agreement for the structure has been secured between the applicant, Network Rail and the Local Highway Authority.

A condition requiring an agreement for the structure, ownership and maintenance must be secured prior to any commencement of the development were it to be approved.

The design speed of 40MPH for this section of the link road is agreed.

Lomas Road

The provision of the additional link road reduces the necessity for vehicular access along Lomas Road. As such it is advised that a Traffic Regulation Order (TRO) and off-site mitigation scheme removing vehicular access should be provided. A modal filter at this location would then help facilitate an east- west cycle route avoiding the main roads as proposed within the Swale Draft Transport Strategy.

Junction U – Lower Road

This junction is described as a bus gate, though the access strategy drawings indicate that it provides primary access to the development, and illustrated by the width of the spine road leading to it with no turning facilities.

Action – Clarity is sought to how this has been accommodated in the traffic modelling.

Junction V - Frognal Lane

This is shown as a secondary access. It is noted that this section of Frognal Lane is due to be connected to the new spine road being provided by the adjacent development at Frognal Gardens, which will join the A2 at a new roundabout. It is not clear how this has been accounted for in the traffic modelling.

Action – Modelling will need to be updated to reflect any amendments made to the above.

Framework Pedestrian and Cycle Routes

It is noted that PRoW are generally retained along their existing alignments. The County Council would welcome engagement to ensure all PRoW is retained to ensure improved amenity for new and existing communities. The County Council, as Local Highway Authority would draw attention to Chapter 2 of this response which is focused on PRoW matters.

North/south routes are well served as are east/west routes that appear well considered to be aligned to create direct links between the development and local amenities schools and the train station. The County Council would request further engagement as the scheme design and development progresses.

Due to the existing constrained section of Lower Road between the proposed site and Teynham station further off-site improvements to Lower Road would be required to promote NMU access. The design of this would need to be secured via appropriate obligations for approval at Tier 2.

Segregated cycling routes are proposed along the primary roads and these would be required to comply with the DfT LTN 1/20 when these details are submitted for approval.

TA document 5: Sustainable Transport Strategy

Due to the Three-Tiered nature of the application, the sustainable transport measures cannot yet be fixed and these are expected to evolve when the access strategy has also been agreed and as second tier of detail is submitted for the respective phases of development.

Conditions will therefore need to be placed on any consent granted for this application, to seek detail for approval of the measures that are considered appropriate or available from emerging technologies at that time. The S106 agreement will also need the flexibility to secure the financial contributions associated with any measures that are subsequently approved or required once the cost plans are known nearer the time.

This could include the provision of new bus routes to pass through the development and link to Teynham, Sittingbourne and Great East Hall as suggested within the strategy document. As mentioned above, these can only be determined at the second tier when the access points and detail of the infrastructure have been approved.

Similarly, the consideration of walking and cycling routes, and how these should be provided or enhanced will also be determined at the second tier of approval.

Improvements to cycle parking convenience are welcomed with easier accessibility integrated into proposed dwellings. These would need to be both secured and sheltered.

An electric bike hire scheme within the development is proposed and welcomed. This would be served from the transport hub with supporting infrastructure provided throughout the development. It is proposed that the developments electric bike scheme could be expanded to cover wider areas of the Borough.

TA document 7: Traffic Impact Assessment

Previous comment – “This section of the response is repeated for both applications 21/503906 and 21/503914. The applicant has, rather unusually, submitted two separate applications however only assessed the impacts as a cumulative of the two. It is therefore technically impossible for the applications to be assessed independently on highway grounds. The response is therefore on the cumulative impact only.

Should the determining authority choose to approve these applications, KCC's position would have to be that one application could not be approved without the other, due to insufficient analysis of the individual applications being provided.

In preparation of the Swale Local Plan Review, it was determined at an earlier stage in Pre-application discussions that Borough Council, County Council and applicant would commission the build of a Strategic Highway Model to be jointly paid for. This provides economic efficiencies for all parties whilst also ensuring that any forthcoming development applications can use the same modal structure and distribution. The base highway model is therefore the same for both this application and the Local Plan and has been validated appropriately and approved by the County Council, Borough Council and National Highways. Reference Case modelling was also completed as a joint approach but has subsequently been independently updated to meet the requirements of the Local Plan test and build brief of National Highways."

New comment - The latest Traffic Impact Assessment (TIA) submitted for this application has been produced to separate the appraisals for each of the current applications, and this approach should now cater for the stand-alone determination of application 21/503906/EIAOUT without the need for the associated application 21/503914/EIAOUT. It should be noted that the latter application for the wider Highsted Park proposals south of the A2 is still solely reliant on the previously submitted combined TIA dated September 2022.

Strategic Modelling

The strategic modelling has been carried out based on the 2038 LPR Reference Case model that was commissioned by the County Council and Swale Borough Council.

Highway Infrastructure assumptions

Previous comment – *"There have been some revisions to the Local Plan reference case model in terms of highway assumptions that would also be required for the modelling tests for this application.*

The additional junction improvements that have occurred since the Borough Council's earlier 2019 reference case model run are as follows;

A2/Love Lane signalisation

A249/Bobbing junction signalisation

Lower Road/Cowstead Corner capacity improvements

B2006/Sonora Way roundabout capacity improvements

Borden Lane/Homewood Avenue mini roundabout

Quinton Road mini roundabouts

Halfway Road Traffic lights

M2/J5

SW Sittingbourne link road between Chestnut St and Boden Lane

NW Sittingbourne Access roundabout and internal link road between Quinton Road and Grovehurst Road

Crown Quay Lane Access to Eurolink Way

*Iwade Expansion roundabout to Grovehurst Road
Preston Field link road
Perry Court link between Brogdale and the A251.*

Action – *Reference case modelling needs to be updated in order to properly assess the developments impact. The Highway Authority will be able to provide the applicant with the updated reference case model.”*

New Comment - The TIA confirms that the updated 2038 Local Plan Review Reference Case model has been used but the updated list of highway infrastructure provided in paragraph 3.3.7 has not listed the following highway improvements that were requested:

- SW Sittingbourne link road between Chestnut St and Boden Lane
- NW Sittingbourne Access roundabout and internal link road between Quinton Road and Grovehurst Road
- Crown Quay Lane Access to Eurolink Way
- Iwade Expansion roundabout to Grovehurst Road
- Preston Field link road
- Perry Court link between Brogdale and the A251.

In addition, the Frognaal Gardens highway infrastructure forming a new roundabout junction onto the A2, and the severance of Frognaal Lane, should also be included as these works are now underway.

Action – Clarity on the inclusion of these improvements within the development reference case modelling is sought.

2038 Development Reference case Model

At the request of the County Council, the recently approved developments at land West of Church Road and land off Swanstree Avenue need to be included in the 2038 Development Reference Case model. It is indicated from section 3.4 of the TIA that they are included in the updated model, but it is noted that the trips shown in Table 3.3 for the respective developments does not correspond. The trips for the Swanstree Avenue development, taken from the associated transport assessment, appear to be listed under the trips for the Church Road development. Assuming that the trips listed under Swanstree Avenue are in fact those for Church Road, the Local Highway Authority has not been able to verify the figures against those provided in the transport assessment and latter technical notes submitted for that development. The data can be extracted from the Vectos response note of 28th September 2022. It should also be noted that the Church Road development safeguards land for the Sittingbourne Northern Relief Road, and that will affect the number of dwellings that can be delivered on that site, reducing from the 380 maximum permitted if the safeguarded land is not used to deliver the SNRR.

Action – The data used to indicate the trips shown in Table 3.3 needs to be evidenced and verified accordingly to ensure that the 2038 DRC model has been updated as requested.

2038 with Development Model

The methodology described within section 3.5 is agreed.

Strategic Model Summary

Given the above query regarding the development trips for Land at Church Road, the LPR travel demand figures in Table 3.6 will need to be amended, together with paragraph 3.6.1. It is also noted that table 3.6 is displayed in vehicle trips, and not in percentage increases as labelled.

Proposed Development Travel Demand

Trip Rates

The trip rates derived from TRICS and summarised in Table 4.2 are agreed and considered robust for the purposes of this assessment.

Trip Distribution

The trip distribution beyond the development zones uses the same zonal pattern as the Swale Base and Reference cases and as such is agreeable.

Strategic Model Output

Forecast Link Flows

As queried above, the highway infrastructure assumptions for the updated 2038 LP Reference Case need to be clarified as the links to Chestnut Street from Borden Lane, and the link between Quinton Road and Grovehurst Road, are not shown on figures 5.1 to 5.4. It is noted that the Chestnut Street link is shown on Figure 5.5, and link 11 is incorrectly labelled as link 1.

Action – The highway infrastructure assumptions should be included as per the previous request, and the figures and modelling updated accordingly.

Difference in Link Flows

There is a referencing error in paragraph 5.1.9 regarding Figures 5.6 and 5.7, as the text in the sentence has not been linked correctly. Notwithstanding the above actions, a review of Tables 5.1 and 5.2, and Figures 5.8 and 5.9, that indicate the two-way traffic flows and flow differences between the 2038 Reference Case and 2038 With Development, flag up a number of queries that need further explanation. Link 22 (B2006 Staplehurst Road) shows an increase in traffic flow west of Sonora Way, but the links east and north conversely show a decrease despite being the only connections able to route the traffic through.

Action – The anomaly should be reviewed and further explanation provided.

As expected, the With Development case that includes the completion of the SNRR does indicate a reduction in traffic flows through Sittingbourne Town Centre in general, with the

exception of Swanstree Avenue and East Street. Of note, Tonge Road/Lomas Road, Dolphin Road, Lower Road, Castle Road, Crown Quay Lane and the A2 through Bapchild would see significant reductions.

However, whilst it is appreciated that flow differences are not shown on the new links, the model coding in Figures 5.8 and 5.9 does not correspond with the access arrangements envisaged for the development that are shown in Volume 6. The model is coded as link 1 having a connection onto Lower Road but drawing 16-023-6015 shows this as a bus link only and access onto Frogna Lane instead, which in turn will link into the adjacent development currently under construction.

Action – The coding for the With Development model should be clarified and amended if necessary.

Local Junction Testing

Depending upon the above modelling queries and actions being resolved, the current junction testing may not be relevant should the model have to be updated and new outputs produced.

Nonetheless, the following comments are provided in respect of the information presented within the TIA:

Junction Selection Methodology

Paragraph 6.2.2 lists the new junctions as part of the highway infrastructure that have been assessed using the appropriate modelling software of PICADY, ARCADY and LinSig. It is considered that in addition to these junctions, assessment should also be carried out for junction R (A2/SNRR Link S), and the two new A2 junctions that will provide access to the current A2 section through Bapchild.

Action – Capacity modelling should be included for the three additional junctions listed above that form the highway infrastructure associated with the SNRR.

Capacity Assessment Outputs

It is noted under the current modelling that all of the junctions listed in paragraph 6.2.2 show that the new highway infrastructure is predicted to operate within capacity during the AM and PM peak periods. However, as stated above, capacity modelling will still be required for the additional junctions named above to complete the assessment.

The initial outputs from the local junction assessments of the wider highway network identified in paragraph 6.2.6 are summarised in tables 6.1, 6.2, 6.5 and 6.6. As expected from those junctions that are predicted to experience a decrease in traffic flows following the delivery of the SNRR, these would perform better in the 2038 With Development scenario compared against the 2038 Reference Case. However, no detailed review of the capacity modelling will be undertaken while uncertainty remains over the validity of the 2038.

Whilst no detailed review of the capacity modelling will be made, the County Council has provided comment on the assessments of the following junctions:

- Junction 6 A2-St Michaels Road/West Street – The junction assessment technical note incorrectly refers to this as Ufton Road in paragraph 3.2, and should be corrected to Ufton Lane.
- Junction 11 A2/Murston Road/Rectory Road – Modelling of the junction has been based on the existing layout, rather than the committed highway improvement scheme detailed in application 16/507689/OUT.
- Junction 20 A249/Grovehurst – Assessment of this junction has been based on the existing layout. Major work is currently underway to upgrade the junction and the TIA does not propose to investigate whether further mitigation is required. It is considered that in common with other committed infrastructure, the improved junction arrangement should be assessed.
- A2/Frognaal Gardens Roundabout – No assessment has been carried out to determine the impact of the development proposals on this junction. This is committed infrastructure that is directly affected by the proposed secondary vehicular connection of the development site to Frognaal Lane, and also expected to accommodate additional traffic flow on the A2.

Action - Capacity assessments of the above as committed junctions should be provided.

Net Traffic Impacts

Notwithstanding the queries raised above, the current review of the modelling shows improvements to the operation of congested junctions within Sittingbourne, and significant reduction in traffic flows on Tonge Road, Lomas Road and Dolphin Road. However, traffic flow along the A2 to the east of the site through Teynham and Faversham would increase. The model outputs only consider the junction performance and not the impact on the links between. Assessment of the flow capacity on the A2 corridor east of the site is required to inform whether the increase can be accommodated.

The junction assessments indicate a number of junctions around Faversham that exceed capacity in the 2038 Reference Case will worsen in the 2038 With Development scenario. Further justification of the minor impact stated in the TIA is required to fully detail the implications on the A2 through Faversham, Ospringe and Teynham, considering the constrained nature of the highway at those locations. This will of course need to be informed by the outputs from updated 2038 models responding to the other comments that have been made above.

If necessary, the development will have to consider how this can be appropriately mitigated.

Action – A clearer assessment of the highway conditions along the A2 east of junction 29 (G) to be undertaken and mitigation provided as required.

TA document 8: (Mitigation Proposals)

Junction 58 – Woodstock Rd/Bell Rd/Gore Ct Rd/Park Ave

The existing arrangement is a four-arm mini roundabout. The proposal creates two lane entry on three of the approaches but all exit lanes and the circulatory would remain single lanes. The design is sub-standard and not accepted by the Highway Authority. It has not been demonstrated that an acceptable mitigation scheme can be delivered in this location.

Action – An appropriate form of mitigation is required to accommodate the traffic growth at this junction.

Recommendation

On the basis of the above assessment, the County Council, as Local Highway Authority, maintains a holding objection until such a time as further evidence is provided for consideration.

2. Public Rights of Way

The County Council is keen to ensure that its interests are represented with respect of its statutory duty to protect and improve Public Rights of Way (PRoW) in the County. The County Council is committed to working in partnership with the applicant to achieve the aims contained within the [Rights of Way Improvement Plan \(ROWIP\)](#). Specifically these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

Public Footpaths ZU16, ZR189, ZR191, ZR192, ZR193, ZR257, ZR256, and Restricted Byway ZR195 are located within the site and would be directly affected by the proposed development. The locations of these paths are indicated on the attached map. The existence of the Rights of Way is a material consideration.

In respect of PRoW, the County Council continues to raise a holding objection to this application. In respect of PRoW matters, the County Council has previously provided responses to both Scoping Opinion and the original proposals over the course of the past few years. The application has now been amended again; however, this application does not reflect prior comments or advice from the County Council and the amendments/additional information do not alter the significant adverse impact on the recorded PRoW Network and the significant loss of open countryside, both of which provide numerous benefits to the Borough. As such, the underlying concerns previously set out in the County Council's earlier consultation responses remain.

As with our response to 21/503914, the following comments are made:

The County Council is disappointed that PRoW have not been considered as a separate topic in the application. Dividing the effect of the development on PRoW and their users across multiple application documents and chapters, results in individual references which do not reflect the importance of the local access network and the quality of the user experience and amenity value. The combined effects of all the aspects of the development, such as the severance and loss of the physical resource, timescale of overall development, construction traffic, noise, visual intrusion, and loss of tranquillity, all contribute to the quality of the user experience inherent in a recreational walk or ride.

This fragmented approach gives rise to a weakness in the application, that when considered individually, the impact might be assessed as not significant, but if the impacts had been considered collectively, they could be significant. A walker, cyclist or horse rider using a public right of way or on open access land experiences the countryside, and hence any impacts, holistically; namely the quality and diversity of the views, wildlife and natural features, the sense of wildness, peace and quiet, the presence (and absence) of traffic, noise, lighting and air quality, and the connectivity of the PRoW Network.

Therefore, the County Council position remains that the impact on both the physical resource and the amenity value of the PRoW network should be addressed as a separate theme within the application. This should include both the effect on the physical resource from temporary or permanent closures and diversions, as well as the quality of user

experience and amenity value and should be considered from the perspective of the significant timescale of this development.

In general, the plans and drawings appear of poor quality; this is unsatisfactory and is contradictory throughout documents and it is difficult for consultees to attempt to know which PRow is being referred to. There is incorrect labelling of PRow (and on some plans completely omitted); labelling / reference should be consistent and standard across all documents and follow the same convention as depicted on the Definitive Map, the legal record for PRow. Currently a variety of labels/references are used in different documents, which is confusing and makes consultation much more difficult for statutory bodies and the public. It is unacceptable to use any other label or reference in the consultation documents without at least being accompanied by the correct Definitive Map label.

The ROWIP should be included as relevant local planning guidance, again this has been advised within the County Council's previous responses and still has not been considered. The County Council seeks to create a network that not only provides a safe, sustainable means of travel but also delivers the benefits that access to the network, countryside, coast and green spaces can make to improve the quality of life for Kent's residents and visitors. The ROWIP also sets out the Council's commitment to ensuring and promoting sustainable travel options for all with a strategy that focuses on walking and cycling for leisure reasons, commuting, and accessing services and facilities. In contrast to ROWIP policies, the application does not recognise the local importance of PRow, which can be the only off-road open access for a wide community or are the main recreational space.

The proposal of separate Tiers (of which this is Tier 1) for the planning process is one that causes concern for the County Council in respect of PRow. Tier 1 proposes only to agree the "overall principle of this development"; however, the County Council cannot fully assess the impact of this development without further detail and therefore has to conclude that due to the scale and irreversible impact of this development, regardless of any mitigation or improvements proposed, the County Council objects to the development. Equally, the County Council is of the opinion that any future works would be against the policies and overall aims and objectives of the Kent County Council's ROWIP. Our comment from previous response that "*PRow strategy only to be determined at Tier 2, and all matters of access not considered at outline stage. For a development of this scale this is considered to be too late to allow timely discussions and contributions and therefore avoid potential conflict and oversights*". The County Council would reference the development at Wises Lane, Borden, also within Swale, where the PRow strategy was not addressed at the earliest stage of the planning process and then with only a minimal regard and has led to conflict and disruption to the development, the Local Authority, the County Council and the existing community.

PRow issues are, in part, included in the multiple application documents, however with no reflection of previous commentary made by the County Council, and the further detail given is insufficient or incorrect. The County Council therefore does not feel it is in a position to provide as fuller response as it would wish for this scale of development. High level comments on the document have been provided as follows:

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Sustainable Transport Strategy

Overall, the County Council considers that this is very disappointing for a development of this scale and over such a time period. The County Council would expect this strategy to be focussing on forward thinking, progressive travel options, which the document does not do and this should be rectified. The reference to the PRoW Network is only that of connections onto or use as existing leisure routes, the amenity of which will be heavily impacted as outlined above. The focus here appears to be on creating new routes instead of realising the opportunities provided by the current Network rights through positive incorporation and design. There is reference to the Kent Cycling and Walking Improvement Plan, which merely reflects long term aspirations to deliver opportunities for Active Travel. The County Council continues to be disappointed with the omission of the County Council's ROWIP. The ROWIP should be included as relevant local planning guidance as the plan sets out the County Council's commitment to ensuring and promoting sustainable travel options for all.

Appendix A Active Travel Audit

The reference to "potential interventions" includes mention of PRoW connections but with no substance i.e. which PRoW and what interventions? The County Council requires more than "potential" being proposed; a more definitive approach must be considered. The focus appears to be on routes East towards Teynham but should equally focus to the West into Sittingbourne for commuting to e.g. the Eurolink industrial area and the residential area of Great Easthall.

Appendix B Pedestrian and Cycle Connections

The colour code is misleading, and again there is no consistent labelling or reference of the PRoW routes ensuring this plan lacks clarity or correct information. See above regarding overall quality of plans and drawings.

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Highways Infrastructure Proposals

Although PRoW routes affected are included, they are simply referenced as being "retained" with no proposal for improvement or consideration to design into the proposed new layout. The County Council is disappointed with this approach.

Appendix A Design Drawings: Scheme Overview Plan

The Plan omits PRoW routes which is not acceptable as they provide part of the overall Highway Network.

General Arrangement Sheet 1 of 3

The Sheet shows Public Footpath ZR192 crossing the proposed road, but with no suitable crossing point shown which would give pedestrian safety. Public Footpath ZR193 routes through land marked as *retained*, which gives opportunity to upgrade this route to allow cycle use and connect onto the new road via Hempstead Lane or the turning point onto the retained land. The County Council would see this as an example of new links, upgrades and opportunities expected as enhancements to the network in addition to mitigation, compensation, and management to both retain and improve the quantity and quality of access provision.

General Arrangement Sheet 2 of 3

It is unclear how Public Footpath ZR205 joins the proposed new road. ZR191 and ZR205A are north and south of the existing A2 and proposed new road, no appropriate crossing is designed which would be necessary to ensure north south connectivity and the road would be on a bend. ZR191 to the north crosses the proposed road east of Junction X, and again there is no suitable crossing for pedestrian use shown and is another example of a severed PRow route. ZR192 to the east again is crossed and severed by the proposed road, again without suitable crossing and appears to be affected by a turning head. All these proposals are unacceptable, given the close proximity of the impact on these routes.

General Arrangement Sheet 3 of 3

Public Footpath ZR189 is severed by the proposed roundabout. The proposal that the PRow user should use the new crossing point requires much further consideration, not least that the PRow is to be upgraded to Public Bridleway through the Land West of Church Road development. A Public Bridleway requires the appropriate crossing to reflect the more vulnerable nature of the users (particularly equestrian). There also remains a possibility that the route will also require diversion with positive design within an open green corridor as part of the Land at Church Road application. There would appear to be a fundamental conflict and lack of information between the two planning applications which would require urgent resolution. The County Council considers that the applicant of this proposal should be aware of such "live" applications.

The County Council is also concerned regarding the location of the proposed road in close proximity to the junction of ZR189 and Lomas Road, given the upgraded user rights, in terms of visibility as well as the lack of crossing of the road if continuing along Lomas Road toward Sittingbourne centre. This demonstrates a lack of consideration for the existing networks of PRow and rural lanes.

Proposed Lower Road/Frogna Lane Vehicle Access

The drawings on this plan omit the PRow route Public Footpath ZR256, which runs close to Frogna Farmhouse. There is also therefore no indication of how ZR256 will be positively incorporated into the design. The exact access use of the proposed new road is unclear and given the narrow nature of Lower Road and its use by pedestrians and cyclists for wider connectivity, as well as existing use as a commuter rat run into and out of Sittingbourne, is of great concern. These proposals require far greater clarity and are unacceptable as shown.

The County Council would also take this opportunity to register its significant misgivings at the focus of promoting routes to Teynham station for Active Travel. There would need to be partnership working with Network Rail due to the pedestrian crossing facilities at the station with the legal alignment of Public Footpath ZR239 currently over an at grade crossing. The long term safety issues here would only be exacerbated without significant improvements to the crossings as any increase of use would add to the current high level of risk. The applicant must also take advice from Network Rail regarding the recent application to close the rail crossing at ZR681/ZR247, which they may be pursuing through the Secretary of State. There is a lack of a robust Active Travel strategy to ensure quality pedestrian and cyclist access to either Teynham or indeed Sittingbourne stations is achieved. New residents are equally likely to use Sittingbourne station for the further rail services it provides (HS1 to Ebbsfleet, Stratford International and London St Pancras). The current proposals relying on Lower Road and Lomas Road are lacking in consideration of pedestrian and cycle safety given the existing current use. Further consideration of this issue is therefore required.

Tonge Country Park

Drawings/legends refer to “existing PRoW” however no routes are shown. This is adding to the Council Council’s concerns regarding how the PRoW Network is perceived by the overall application. These drawings require amendment with correct information and labelling. Public Footpaths ZR190, ZR191, ZR192 are all in proximity of the park.

Illustrative Master Plan North

The plan does not include PRoW routes which are required for overall, holistic view of the development.

Parameter Plan: Development North

The plan does not include PRoW routes, access is merely marked with an arrow at exit/entry point to the site.

Framework Plan Pedestrian and Cycle

The County Council notes that this plan includes the incorrect colour coding of PRoW; ZR195 is a Restricted Byway and is shown as Public Bridleway; PRoW not labelled or referenced as above. This demonstrates a lack of consistency in the current submission and requires amendment.

The above are examples of incorrect, inconsistent, or omitted information shown across a range of documents. For the County Council to detail such comments on all the application documents would require this response to be even more substantial; the County Council therefore requires that all documents are checked and amended as necessary to show the PRoW Network as outlined in this response. The many assumptions being made in the various chapters that attempt to address PRoW, are not sufficiently robust or accurate and are therefore leading to inaccurate assessments of sensitivity, magnitude and ultimately underestimating the significance of the effect of the development.

Overall comments:

- Insufficient detail provided to fully assess the management and incorporation of the PRow network both during construction and in operation, particularly given the significant impact on the area over the timescales quoted. The proposed development would both sever and fragment the existing network over a considerable area and considerable period.
- The County Council is of the opinion that despite the decision to separate the two applications, 21/503914 and 21/503906, the potential impact of both cannot be ignored and therefore the response reflects the cumulative effect on the Borough from this application and application 21/503914.
- The County Council is also of the opinion that the proposed development in the wider area and Borough of Swale, **not** including the two applications above, also has to be taken into account to fully assess the impact overall. The cumulative impact of this proposal with the other existing projects consented and proposed is of major concern. The County Council believes that there are inter-project effects that will impact on the PRow network and its users not only from fragmented connectivity and visual intrusion, but the lack of the single assessment approach for PRow, access and amenity has resulted in this effect not being recognised. In particular, there will be repeated temporary closures of PRow across the wider area of the Borough that could overlap with temporary closures on the same or connecting PRow required for this proposal. Examples of existing projects consented and proposed:
 - Land at Frogmal Lane, South East Faversham, Land off Swanstree Avenue, Wises Lane, Manor Farm, Ufton Court Farm, Land East of Iwade, Pitstock Solar Farm, Vigo Lane Solar Farm.
- It is unacceptable for the public to lose their amenity by the effective sterilisation of an area due to closures and disruptions from parallel or concurrent projects. The impact of temporary closures of PRow should not be underestimated, as their value for local amenity could be severely reduced or removed during works. The County Council would therefore expect an inter project cumulative effect assessment to specifically consider the impact on PRow.
- The County Council expects that for the PRow network in the vicinity of the proposed development and in the event of any future permission being granted, the applicant should provide mitigation, compensation, and management strategies to ensure that the quantity and quality of access provision is retained.

In order to ensure full understanding of this development and the proposals, the County Council requests urgent engagement with the applicant to discuss the impact of the proposals on and the management of the PRow & Access network. The County Council is the Highway Authority for PRow and by definition:

- The Applicant must obtain the Definitive Map and Statement from the PRow & Access Team at the County Council . This is the only source of the up-to-date record of the PRow (can supplied digitally).
- PRow should be marked on plans using the County Council digital data and labelled as per the Definitive Map and County Council convention.

- The applicant must identify where and how (i.e. physical disruption and impact on amenity) the project affects PRow in the pre commencement stages, construction, and operational phase
- The applicant must identify the wider access network and ensures continuity of the access network including links to U roads, rural and quiet lanes and promoted routes by avoiding severance or sterilisation of an area through closures.
- The applicant must set out the management measures for minimising disruption to the public and ensuring public safety during all stages of the project.
- The hierarchy for managing affected PRow should lead with the principle of keeping PRow open though use of signage and traffic management measures, followed by temporary closures with alternative routes provided for as short a duration as possible. Any alternative route must be approved by ourselves.
- The applicant must identify the PRow proposed to be temporarily closed and/or management measures.
- Includes management measures for any shared construction access, although this is something the County Council would not advise.
- The applicant must identify any PRow to be permanently closed and the alternative route/s including the specification for new routes.
- The applicant must include plans for restoration of all affected PRow – e.g. on access routes and crossing points.
- The applicant must include a pre and post condition survey to be undertaken including identification and assessment of surface condition and with a scope of coverage and methodology to be agreed with the County Council as Highway Authority. This should include pre-construction work where PRow might be used to gain access to site and reinforcement required prior to use by vehicles. Again, such use is not something the County Council would advise or necessarily approve.
- Where impacted by the works, commitment to restoring any PRow to an improved condition agreed with the County Council - where there are existing defects, the applicant should agree restoration measures with the Local Highway Authority.

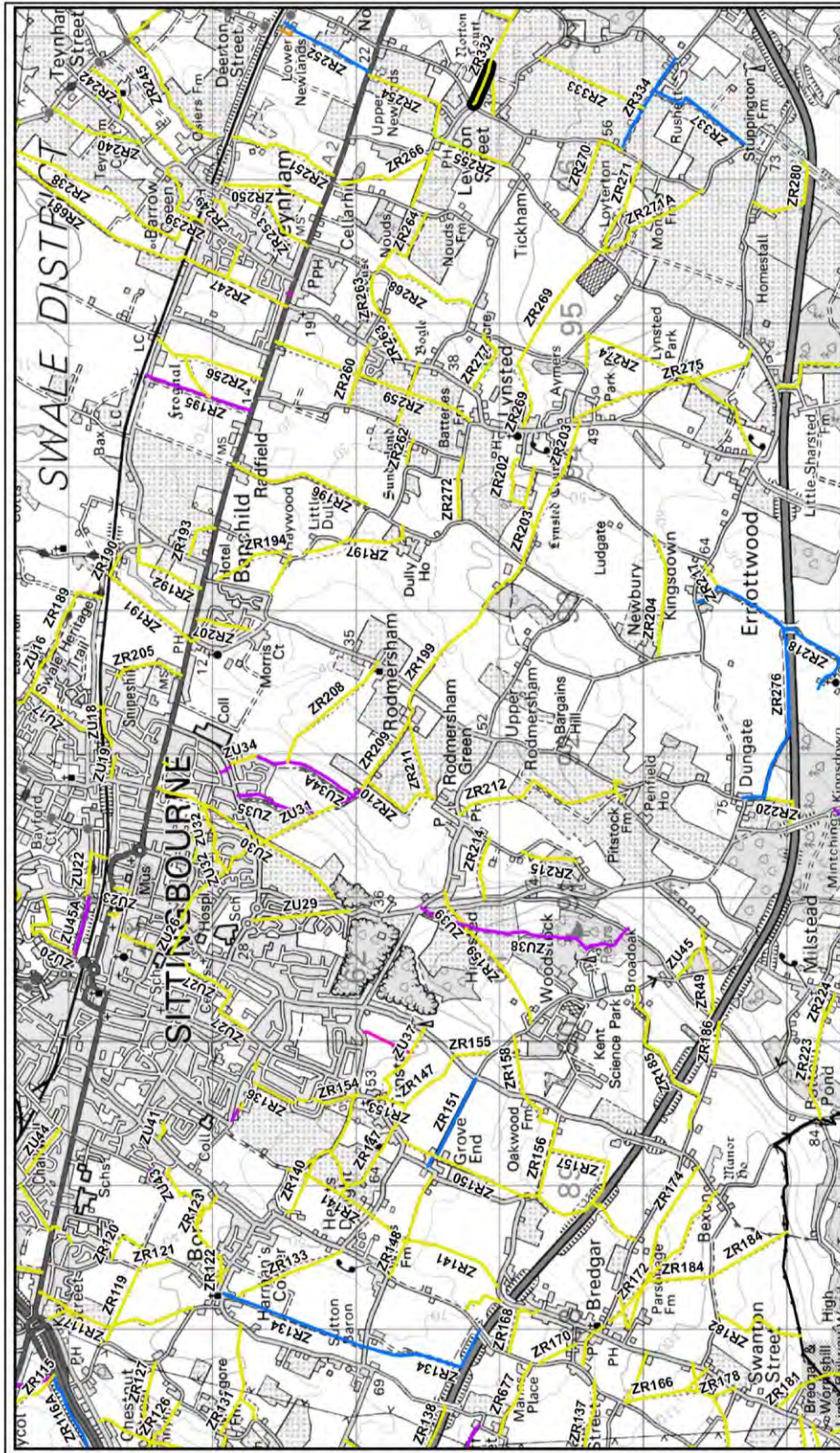
In the event planning permission is granted, the County Council requires that the following is required by condition:

A PRow Management scheme is provided to include each Public Right of Way affected, to cover pre-construction, construction and completion over the no doubt prolonged phasing schedule. A separate scheme should be provided and agreed as each Phase comes forward for approval in the described Tier process. All details to be approved by the County Council.

The County Council would seek developer financial contributions via the appropriate legal mechanism, where the impact of new development will put a high level of additional pressure on the existing Network and where upgrades and improvements would account for increased use and to provide quality off road alternative transport options, promoting active and sustainable travel. Appropriate contributions would be in order to mitigate the loss of amenity, increased use and subsequent improvements that will be required in the wider network as the area is developed. The County Council advises that significant measures will need to be taken to help mitigate the impact on and loss of existing recreational leisure

opportunities and to future proof sustainable Active Travel across the wider area of the Borough. The increase in investment and policy from both central and local government towards a modal shift away from short car journeys should focus this project to provide a sustainable development for the future. The applicant is required to show commitment to Active Travel, connectivity of developments, sustainable transport, and the protection of and enhancement of the local area rural character.

Appendix 2A – PRow Map

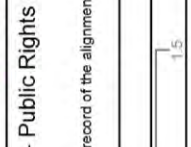


Created by:	TK
Checked by:	TK
Issue Date:	10.01.2018
Reference:	17/506551/EIASCO

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Please note, this map extract is not a legal record of the alignment or existence of a public right of way. No measurements should be taken from it.

17/506551/EIASCO - Public Rights of Way Map



1:35,000
 Kent
 County Council

Key	Public Footpath
	Public Bridleway
	Restricted Byway
	Byway Open to All Traffic

3. Development Investment

The County Council has re-assessed the implications of this proposal in terms of the delivery of its community services and the latest information from the applicant. It remains the opinion that the application will have an additional impact on the delivery of its services, which 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).

The County Council notes that this application has been submitted concurrently with the Highsted Park South application SW/21/503914, and indeed provisions have been proposed for both sites, particularly Secondary education. However, the applications are separate and will be reviewed independently. The County Council would therefore wish to draw the Local Planning Authority's particular attention to the Secondary, Special Education Need and Waste requirements, and how these matters should be dealt with if the applications proceed independently.

Request Summary

Table 1

	Per 'Applicable' House (1036) *	Per 'Applicable' flat (68) *	Estimated Total	Project
Nursery	26 place Nursery at the new 2 Form Entry primary school – Provided as part of the 2FE primary school			
Primary Education	£7,081.20	£1,770.30	£7,456,503.60*	New on-site 2FE primary school and/or increased capacity in the

				Sittingbourne South or East Planning Groups
Primary Land	1 No. 2FE Primary School site of 2.5ha at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements)			
Special Education	£559.83	£139.96	£589,501.16*	Contribution towards a new special needs school serving this development and SRP provided within the Mainstream Education Schools on-site and within the Borough
Secondary Education	£5,587.19	£1,396.80	£5,883,311.24*	Towards new secondary school to serve this development in the Sittingbourne non selective and Sittingbourne and Sheppey Selective Planning Group
Secondary Land**	New Secondary School site to be provided at no cost to the County Council, on the South site. Where Highsted Park (North & South) proceed together, the North Site to contribute proportionately as below:			
	£3022.72	£755.68	£3,182,924.16 *	Towards land acquisition costs of a new secondary school in the Sittingbourne area

Please Note:

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered/extra care accommodation. The applicant has advised in correspondence that all proposed 1-bed flats are below this size and therefore not applicable. Should this change, the County Council will reassess the requirement for education places.

* The County Council has used the housing mix referenced in the January 2024 Planning Statement Addendum Para 3.3 Table 3.1). The applicant has previously advised in correspondence that 10% of 2 bed flats/houses will be restricted to occupancy for over 65s. the County Council has applied this mix and removed the age restricted dwellings as non-applicable for education assessment, subject to a legal Agreement restricting occupancy age in the age restricted dwellings in perpetuity.

** Secondary land & Special Educational Needs (SEN) – Irrespective of whether the Highsted Park North and South sites proceed jointly or independently, Kent County Council Education has confirmed that there is a significant deficit in places locally, even allowing for a new Secondary school in Northwest Sittingbourne. Consequently, additional Secondary and SEN provision will be required for this Highsted North application if it proceeds independently from Highsted Park South.

Should either the mix or age restricted unit numbers change, the County Council reserves the right to reassess the requirement for education places.

Table 1 continued:

	Per Dwelling (x1250)	Total	Project
Community Learning and Skills	£34.21	£42,762.50	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally.
Integrated Children’s Services	£74.05	£81,751.20	Towards additional resources and equipment to enable outreach services delivery in the vicinity, and/or the upgrade of existing youth facilities or sport infrastructure in the Borough
Library, Registrations and Archives	£62.63	£78,287.50	Towards additional resources, services and stock, the local mobile Library service and works to Sittingbourne Library to increase capacity to meet the needs of the development.
Adult Social Care	£180.88	£226,100.00	Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2). Levels of Extra Care provision to be defined.		
Community Buildings	*Design that is Dementia friendly with dementia friendly decoration and signage.		

specification:	<p>*A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc.</p> <p>*Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with Changing Places Toilets (changing-places.org)</p> <p>* Provision of secure storage for Kent County Council’s Social Care, Community Learning, Libraries and Youth Service.</p>		
Waste	£194.13	£242,662.50	Towards a new Household Waste Recycling Centre on the new Highsted Park South site and/or HWRC at Sittingbourne and/or increases in capacity at Faversham HWRC. And increases in capacity at the Waste Transfer Station in Sittingbourne.
Waste Site	<p>A new Household Waste Recycling Centre site of 1.5ha is required at no cost to the County Council - transferred as per the County Council’s General Transfer Terms, should either the North proceed independently, or the combined Highsted Park North and South proceed. If the new HWRC is ultimately located on the South site and the North site is in separate ownership, any land cost should be dealt with by the applicants through a <i>Development Land Equalisation Agreement</i> with this North site contributing its proportionate share.¹</p>		

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.
- Bonds will be required by the County Council for the Education contributions if the applicant wishes to pay the contributions in instalments. If the contributions are paid in instalments, the applicant will also be required to cover the County Council’s borrowing costs for the construction of the schools.

Justification for Infrastructure Provision/Development Contributions Requested

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

¹ Proportionate HWRC land contributions from this application will then be required through a Development Equalisation Agreement to fund the provision within Highsted Park South.

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

The 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 County Council's Development 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 indicative housing mix provided by the applicant has been used to calculate the Primary Education need created by the development. Based on this mix, which must be subject to regular review to confirm the final mix - the proposed North development is estimated to generate up to 295 primary pupils, equivalent to 1.4 Forms of Entry (FE). This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 3A. Financial contributions towards construction 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.

Kent County Council commissions new primary schools as either two or three forms of entry, and therefore 1No. 2 Form Entry Primary school will be required to support the (North) development.

It should be noted that some of the demand for the proposed Teynham West school is generated from the 21/503914 Sittingbourne South and East application. In line with DfE guidance, the County Council has named a contingency project (increased capacity in the Sittingbourne South or East Planning Groups) in the event that future needs change over the period of the proposed build out.

Applicants Proposal – Primary School Site/Indicative Locations/Phasing.

The site proposed for a 2FE primary school is 2.5Ha of land and this should be transferred in accordance with Kent County Council General Site Transfer terms (attached) at nil cost to

the County Council. The location of the site is to be agreed with the County Council as the Statutory Education Authority. It is noted that the built form height plan allows for the school to be up to 12m in height.

The County Council welcomes the additional information which demonstrates that the school would be provided within the first phase of development (phase 1 being from year 1-5 of the proposed development). The County Council would like to further understand the phasing for delivery and access to the proposed school site. Anticipated completion of school build, with full contributions for the primary school delivery/opening to meet demand arising from Highsted North, is requested upon 350 occupations. The delivery trigger must be subject to appropriate monitoring and review mechanisms within the S106 Agreement to reflect build-out rates and pupil demand, to ensure sufficient capacity and an appropriate delivery point to meet demand.

The Masterplan: North (Drawing Number 2952-210C) shows the primary school location to the north of the spine road.

Greater detail of the proposed primary school site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with the County Council's suitability assessments, it will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before the Authority would be able to confirm it is agreeable.

It is expected that all school sites will be served by vehicular and pedestrian/cycle routes prior to their opening, connecting not only the new communities to these schools, but also existing neighbourhoods in the locality. A suitable pedestrian crossing will be required to serve a safe link between the proposed local centre and the school.

In a scenario in which the school land were not required it is recommended that the County Council, alongside the applicant and Planning Authority agree a contingency use for the land to be of benefit to the local community. In such a scenario the County Council would need to provide confirmation, by notice, that the land is not required for a new school.

Nursery and Pre-School Provision

The County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. Whilst the County Council is seeking the provision of pre-school facilities within the new primary schools, it also expects to see the delivery of infrastructure on-site for use by the private/voluntary/independent (PVI) sector at affordable rents. Currently, approximately 40% of two-year old children are entitled to free early education (15 hours per week), while all three and four-year olds are entitled to 15 hours per week, increasing to 30 hours for those with working parents. Take-up for these places has

been high. By the time the development is becoming occupied it is likely that 30 hours free childcare will be available to all, increasing levels of demand. The County Council supports the provision of PVI nurseries on new developments (especially extended hours and provision for babies/under two-year olds)) and will work with the Applicant to advise on the appropriate method of delivery.

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. The County Council'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 Education, Health and Care Plan (EHCP) which sets out the provision they are entitled to. School-age pupils with EHCPs 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 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.

Secondary School Provision

The indicative housing mix provided by the applicant has been used to calculate the Secondary Education need created by the development. Based on this mix –which must be subject to regular review to reflect the final mix– the proposed North development is estimated to generate up to 211 secondary pupils, equivalent to 1.4 Forms of Entry (FE). This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 3A. Financial contributions towards construction 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.

Secondary Education demand is exceeding provision in the Borough, with a significant forecast deficit in places, as extant permissions are built out, and the County Council awaits the build of the new school in North West Sittingbourne to meet the current Local Plan. Consequently, this application will place additional pressures on education provision and therefore new Secondary school infrastructure is required.

This application is largely dependent on the approval of 21/503914, which provides land for Secondary infrastructure. However, in acknowledgement of the uncertainty of that application, which is separate to this application, the request will require flexibility to be able to provide appropriate increased capacity. This would be either through new infrastructure within application 21/503914 and/or increased capacity in the Sittingbourne non-selective and/or Sittingbourne and Sheppey selective planning groups.

Secondary School Site

In a scenario in which both applications are approved, the County Council will require transfer of a new secondary school site of 10ha within the Highsted Park (South) development on a suitable site (location to be agreed by the Local Education Authority) in accordance with the attached Kent County Council's General Site Transfer Terms and at nil cost to the County Council.

Should this application proceed in isolation of Highsted Park (South), the County Council may require Education Land costs for an alternative site.

If Highsted Park (North and South) proceeds concurrently then proportionate contributions towards the Secondary School land at Highsted Park South of £3,022.72 per 'applicable' house and £755.68 per 'applicable' flat will be required through a Development Equalisation Agreement.

The site acquisition cost is based upon local land prices published within our Developer Contributions Guide 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 the County Council taking the freehold transfer of the site to reflect the price actually paid for the land.

Provision of Education Places

Please note that the process of education places 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.

The County Council 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](#).

Community Learning and Skills

The County Council 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 3B 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

The County Council 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 3B 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](#), the County Council has a statutory duty to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires the County Council 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 Borough at 669 items per 1,000 population is below the National standard of 1,532.

An evaluation of the impact of this development is shown in Appendix 3B. The appendix demonstrates; the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

The County Council is expecting to continue to deliver its library service for this area at the existing Faversham library. This library was fully refurbished in 2018 and is currently co-locating with the Good Day Programme.

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 3C provides detail of the current shortfall in the provision of this service, and also explains the statutory duty upon the County Council 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. The County Council requests that 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.

Potential provision of care homes/extra care

Concerning the provision of older person care homes in Kent, the County Council has seen a steady decline in overall numbers in the past five years, with the situation further exacerbated by Covid-19. In addition, the number of people wishing to access purely older person care homes is reducing. Consequently, there are specific types of care home delivery models which, the County Council would wish to support. For example, there is a significant demand for residential and nursing care homes that can meet the needs of people with challenging and complex needs, including dementia. The County Council would encourage any new residential care home provider to join the Kent County Council's Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents. As such, the County Council recommends that the applicant works with the County Council's Adult Social Services to develop the most appropriate form of care delivery.

Supported Living Accommodation

Paragraph 3.2 of the Planning Statement identifies that the development proposes to include the provision of extra care units for over 65's. This inclusion is welcomed, however, there is no detail at this stage as to the amount that would be available. The demand for support living accommodation (especially within the working-age population) has increased significantly. The County Council would wish to ensure that the dwelling mix of this development and level of extra care units available is sufficient to meet the levels of demand. As such, the County Council recommends that the applicant works with the County Council's Adult Social Services to develop the most appropriate forms of care delivery and that any legal agreements or conditions on housing mix have the ability to set out minimum levels of provision of extra care units.

Waste

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste. Appendix 3D 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 the County Council.

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.

Waste Transfer - Contributions are required towards works to increase capacity at the Church Marshes Waste Transfer Station.

Household Waste and Recycling Centre (HWRC) - The applicant will need to provide information on the proposed mitigating solution if this application goes ahead without that of the Highsted Park, South of Sittingbourne application, as the applicants' proposed HWRC mitigation relies upon that application's approval.

If Highsted Park (North and South) proceeds concurrently, a new Household Waste Recycling Centre site of 1.5ha is required at no cost to the County Council, additionally to the identified financial contributions in Table 1. Proportionate HWRC land contributions from this application will then be required through a Development Equalisation Agreement to fund the provision within Highsted Park South.

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 UU containing contributions for the County Council's services should be shared with the authority via the Developer.Contributions@kent.gov.uk email address prior to its finalisation.

If the contributions requested are not considered to be fair, reasonable, compliant with CIL Regulation 122 or supported for payment, it is requested that you notify us 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.

Appendix 3A - Education Need Assessment / Education Land Assessment

KCC developer contribution assessment for Primary Education

District:	Swale	Non-applicable units:	146
Site:	Land To The West Of Teynham London Road Teynham Kent	Houses:	1038
Plan ref:	SW/21/503906	Flats:	67
Date:	13/03/2024	Total units:	1250

Current and forecast pupils on roll for schools within		Sittingbourne East planning group										
DfE no.	School	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)
2055	Lansdowne Primary School	394	409	396	394	384	375	365	366	357	360	361
2126	Sunny Bank Primary School	178	174	183	177	178	173	173	175	171	172	172
2233	Lynsted and Norton Primary School	71	83	73	75	73	73	63	66	64	64	65
2254	Canterbury Road Primary School	207	208	209	208	206	202	202	200	196	197	198
2435	South Avenue Primary School	406	414	400	393	385	378	369	372	364	366	368
3117	Teynham Parochial CE Primary School	200	198	197	193	189	187	182	184	180	181	182
3328	Bapchild and Tonge CE Primary School	208	210	215	215	215	214	213	211	206	208	209
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		1,664	1,696	1,674	1,656	1,629	1,601	1,567	1,574	1,537	1,548	1,553
Required capacity to maintain 2% surplus capacity		1,638	1,731	1,708	1,629	1,663	1,633	1,599	1,606	1,568	1,580	1,585

Current and forecast capacity for schools within		Sittingbourne East planning group										
DfE no.	School	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)
2055	Lansdowne Primary School	420	420	420	420	420	420	420	420	420	420	420
2126	Sunny Bank Primary School	315	315	315	300	285	270	255	240	225	210	210
2233	Lynsted and Norton Primary School	140	105	105	105	105	105	105	105	105	105	105
2254	Canterbury Road Primary School	210	210	210	210	210	210	210	210	210	210	210
2435	South Avenue Primary School	420	420	420	420	420	420	420	420	420	420	420
3117	Teynham Parochial CE Primary School	210	210	210	210	240	270	300	330	360	390	420
3328	Bapchild and Tonge CE Primary School	210	210	210	210	210	210	210	210	210	210	210
Current and forecast capacity (1)		1,925	1,890	1,890	1,875	1,890	1,905	1,920	1,935	1,950	1,965	1,995

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

Expected pupil yield from new developments within		Sittingbourne East planning group		
Planning reference	Development	Houses	Flats	Primary product
SW/22/505558	67 High Street/1-5 Central Avenue Sittingbourne Kent ME10 4AU	0	10	1
SW/22/503880	The Granary Berkeley House Lynsted Lane Lynsted Sittingbourne Kent ME9 0RL	3	3	0
SW/23/503467	Pembury Court Pembury Street South Of Fountain Street Sittingbourne Kent ME10 3EF	0	19	1
SW/22/502963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN	50	0	14
SW/22/503418	Land At Tonge Road Sittingbourne Kent ME9 9BD (S106)	16	0	0
SW/22/502834	Land West Of Church Road Bapchild Tonge Kent	251	75	76
SW/22/500601	Radfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/21/506012	15-29 Station Street Sittingbourne ME10 3DN	0	3	0
SW/21/505296	Land To The North Of Lower Road Teynham Kent ME9 9EQ	23	0	6
SW/21/503609	Land To The East Of Lynsted Lane Lynsted Kent ME9 9QN (S106)	10	0	0
SW/21/501334	Land At Fox Hill And School Lane Bapchild Kent ME9 9NL	95	0	27
SW/20/506066	Storage Land At Lomas Road Bapchild Kent ME9 9BD	14	0	4
SW/20/503225	Land East Of Crown Quay Lane Sittingbourne Kent ME10 2ST (S106)	47	30	0
SW/20/503223	Barrow Green Farm Frenchs Row Barrow Green Teynham ME9 9EH	9	0	3
SW/20/501631	Moore's Yard Crown Quay Lane Sittingbourne ME10 3JN	12	15	4
SW/19/505036	Land South Of London Road Teynham Kent ME9 9QJ	70	10	20
SW/19/501693	Land To The Rear Of 45-55 High Street Sittingbourne Kent ME10 4BJ (S106)	0	24	0
SW/18/506460	Former Conyer Brickworks Conyer Quay Conyer Kent ME9 9HJ	24	0	7
SW/16/507689	Land between Froggall Lane and Orchard View, Lower Road, Teynham (S106)	300	0	0
New developments within the planning area		934	197	164
This development		1,038	67	295

Assessment summary												
Detail	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)	
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)	227	159	182	186	227	272	321	329	382	385	410	
Expected pupil yield from new developments	164	164	164	164	164	164	164	164	164	164	164	
Surplus / (deficit) capacity including the expected pupil yield from new developments	63	-5	18	21	63	108	156	164	217	221	246	
Expected pupil yield from this development	295	295	295	295	295	295	295	295	295	295	295	
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-232	-300	-278	-274	-232	-188	-139	-131	-78	-74	-49	
Expected pupil yield from this development that on current plans for school provision cannot be accommodated	232	295	278	274	232	188	139	131	78	74	49	

Background notes:

Pupil forecasts 2023 employed from September 2023. Incorporating roll data from Schools Census Autumn 2022. Data from the Health Authority includes pre-school children born up to 31st August 2022. 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 had been mitigated by the developer.

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

District:	Swale	Non-applicable units:	146
Site:	Land To The West Of Teytham London Road Teytham Kent	Houses:	1038
Plan ref:	SW/21/00396	Flats:	67
Date:	13/03/2024	Total units:	1250

DfE no.	School	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups										
		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)
4002	Sittingbourne School	1,402	1,418	1,464	1,497	1,487	1,514	1,519	1,521	1,536	1,520	1,468
4080	Higsted Grammar School	720	688	714	714	701	724	718	715	715	707	685
4527	Borden Grammar School	664	686	701	722	714	724	721	720	722	715	694
5414	Fulston Manor School	1,060	1,057	1,067	1,083	1,083	1,081	1,073	1,065	1,066	1,046	1,015
5434	Westlands School	1,595	1,591	1,661	1,690	1,691	1,748	1,746	1,747	1,749	1,753	1,716
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		5,441	5,440	5,606	5,706	5,676	5,791	5,776	5,768	5,788	5,741	5,579
Required capacity to maintain 2% surplus capacity		5,952	5,951	5,721	5,822	5,792	5,910	5,894	5,886	5,907	5,858	5,692

DfE no.	School	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups										
		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)
4002	Sittingbourne School	1,410	1,440	1,440	1,440	1,410	1,380	1,350	1,350	1,350	1,350	1,350
4080	Higsted Grammar School	750	690	690	690	690	720	750	750	750	750	750
4527	Borden Grammar School	660	690	720	750	750	750	750	750	750	750	750
5414	Fulston Manor School	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
5434	Westlands School	1,590	1,560	1,545	1,500	1,455	1,440	1,425	1,425	1,425	1,425	1,425
Current and forecast capacity (1)		5,460	5,430	5,445	5,430	5,335	5,340	5,325	5,325	5,325	5,325	5,325

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

Planning reference	Details	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups		
		Houses	Flats	Secondary product
SW/24/00052	152 Staplehurst Road Sittingbourne Kent ME10 1XS	20	24	5
SW/24/00049	The Former Pumping Station St. Michaels Road Sittingbourne Kent ME10 1AX	0	10	1
SW/24/00081	Land Off Sheppey Way Twade Kent ME9 8QV	6	0	0
SW/23/00567	Land West Of Warden Road Eastchurch Kent ME12 4EJ	27	3	1
SW/23/00558	87 High Street /1-5 Central Avenue Sittingbourne Kent ME10 4AU	0	18	1
SW/23/00365	Land To The Rear Of Eden Meadow Newington Kent ME9 7ZH	25	0	5
SW/23/00380	The Granary Berkeley House Lyndsted Lane Lyndsted Sittingbourne Kent ME9 0RL	3	3	1
SW/23/00347	Penbury Court Farmyard South Of Fountain Street Sittingbourne Kent ME10 3EP	0	19	1
SW/23/00128	Cockshel Walk Car Park St. Michaels Road Sittingbourne Kent ME10 1AU	0	35	2
SW/23/00328	Land On Northern Side Of Canterbury Lane Upchurch Kent ME9 8QW	36	4	7
SW/23/00365	77-83 & 87 London Road, Sittingbourne, Kent ME10 1NL	0	15	1
SW/22/00566	Land At Upton Court Farm Borden Kent	290	0	58
SW/22/00529	Nil Desperandum Well Road Rushenden Queenborough Kent	22	0	1
SW/22/00576	Land At Pleasant Farm Bramblefield Lane West Of Twade Bypass Sittingbourne Kent	42	0	8
SW/22/00474	Land At Sittingbourne Hill Hill Way Sittingbourne Kent ME10 2GZ	0	107	5
SW/22/00364	Land To The West Of Bobbing Sittingbourne Kent ME9 8QL	1,750	500	375
SW/22/00348	Land At Tonge Road Sittingbourne Kent ME9 8ED (S106)	16	0	0
SW/22/00763	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN (S106)	50	0	0
SW/22/00281	Land South Of 9 Rashenden Road Queenborough Kent ME11 5HB	13	12	1
SW/22/00334	Land West Of Church Road Bapchild Tonge Kent (S106)	251	75	0
SW/22/00306	Land To The East Of Soctis Road Minter-on-sea Kent	650	0	33
SW/22/00105	77 High Street Newington Sittingbourne Kent ME9 7JD	10	0	2
SW/22/00061	Radfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/22/00075	Land South Of London Road Newington Kent (S106)	135	0	0
SW/21/00612	26-29 Station Street Sittingbourne ME10 3DU	0	3	0
SW/21/00614	The Lane 2 Church Street Minter-on-sea Kent	0	12	1
SW/21/00572	128 High Street Newington Sittingbourne Kent ME9 7RH (S106)	39	0	0
SW/21/00544	Hillyfield Hearts Delight Borden Sittingbourne Kent ME9 8HX	5	0	1
SW/21/00546	Land Off Swanstone Avenue Sittingbourne Kent ME10 4UJ (S106)	135	0	0
SW/21/00506	Land To The North Of Lower Road Teytham Kent ME9 8EQ	23	0	5
SW/21/00541	Land North Of Lower Road Eastchurch Kent	59	0	0
SW/21/00124	Land To The North Of Elm Avenue Minter-on-sea Sheerness Kent ME12 3RZ (S106)	44	0	0
SW/21/00309	Land To The East Of Lyndsted Lane Lyndsted Kent ME9 8QN (S106)	10	0	0
SW/21/00308	Northern Phase Regent Quay Crown Quay Lane Sittingbourne Kent (S106)	64	10	0
SW/21/00183	Land Off Otterham Quay Lane Upchurch Kent (S106)	74	0	0
SW/21/00146	Land At Hill Farm Road Lane Keycol Hill Bobbing (S106)	30	0	0
SW/21/00134	Land At Fox Hill School Lane Beckhill Kent ME9 8EH	95	0	18
SW/21/00024	Old House At Home 15B-16J High Street Sheerness Kent ME12 1UX	0	4	0
SW/20/00617	Roaf's Orchard, Passonage Chase, Minter-on-Sea ME12 3JX	9	0	0
SW/20/00606	Storage Land At Lowes Road Bapchild Kent ME9 8EO	14	0	3
SW/20/00521	Land At Highfield Road Minter-on-sea Kent (S106)	19	0	0
SW/20/00516	Former Sittingbourne Adult Education Centre College Road Sittingbourne Kent ME10 1LF (S106)	5	17	0
SW/20/00559	Willow Trees 111 High Street Newington Sittingbourne Kent (S106)	10	0	0
SW/20/00383	Duke of Clarence Trading Estate, High St, Blue Town, Sheerness Kent ME12 1BQ	5	6	0
SW/20/00365	88-100 West Street Sittingbourne Kent ME10 1AC	0	10	1
SW/20/00363	The Former Kensley Arms Public House The Square Sittingbourne Kent ME10 2SL	0	13	1
SW/20/00325	Land East Of Crown Quay Lane Sittingbourne Kent ME10 3ET (S106)	47	30	0
SW/20/00323	Borrow Green Farm French Row Borrow Green Teytham ME9 8EH	9	0	2
SW/20/00215	Bobbing Car Breakers Sheppey Way Bobbing, Sittingbourne Kent (S106)	12	4	0
SW/20/00163	Moore's Yard Crown Quay Lane Sittingbourne ME10 1JN	12	15	3
SW/20/00128	240-248 High Street Sheerness Kent (S106)	0	9	0
SW/19/00506	Land South Of London Road Teytham Kent ME9 9QJ	70	10	15
SW/19/00481	Land At Soctis Farm, Minter on Sea, Sheerness Kent ME12 3RU (S106)	12	0	0
SW/19/00476	The By Lead, Members Club, High Street Sheerness ME12 1NE (S106)	0	6	0
SW/19/00374	Land East Of Twade Kent ME9 8TJ (S106)	395	48	0
SW/19/00145	2, Bramblefield Lane, East Of Twade Pass (S106)	22	0	0
SW/19/00163	Land To The Rear Of 45-55 High Street Sittingbourne Kent ME10 4B (S106)	0	24	0
SW/19/00132	Land At Pond Farm Growth Road Sittingbourne Kent ME9 8RD (S106)	72	0	0
SW/19/00677	Halfway Egg Farm Featherfield Lane Sittingbourne ME9 8RA (S106)	19	0	0
SW/18/00640	Former Crown Buildings Crown Quay Corner Kent ME9 9HJ	24	0	5
SW/18/00632	Land Lyng To The South Of Duxton Walk Twade Kent ME9 8TG (S106)	20	0	0
SW/18/00517	Land North Of Sanderting Way Twade Kent ME9 8TJ	60	5	12
SW/18/00272	Land At Great Growth Farm Growth Road Sittingbourne (S106)	110	0	0
SW/18/00190	Land North of Quinton Road Sittingbourne	913	201	193
SW/17/00571	Land at Wives Lane, Borden (S106)	075	0	0
SW/16/00789	Land between Fregal Lane and Orchard View, Lower Road, Teytham (S106)	300	0	0
New developments within the planning area		6,798	1,252	771
This development		1,038	67	211

Details	Assessment summary										
	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)
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)	-92	-121	-276	-392	-437	-570	-568	-561	-582	-533	-367
Expected pupil yield from new developments	771	771	771	771	771	771	771	771	771	771	771
Surplus / (deficit) capacity including the expected pupil yield from new developments	-863	-892	-1,047	-1,163	-1,208	-1,341	-1,340	-1,332	-1,353	-1,304	-1,139
Expected pupil yield from this development	211	211	211	211	211	211	211	211	211	211	211
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-1,074	-1,103	-1,258	-1,374	-1,419	-1,352	-1,351	-1,343	-1,364	-1,315	-1,149
Expected pupil yield from this development that on current plans for school provision cannot be accommodated	211	211	211	211	211	211	211	211	211	211	211

Background notes:

Pupil forecasts 2021 employed from September 2023. Incorporating roll data from Schools Census Autumn 2022. Data from the Health Authority includes pre-school children born up to 31st August 2022. 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.

Education Build and Land Contributions

Appendix 1a

Site Name	Land West of Teynham
Reference No.	21/503906
District	Swale

	Houses	Flats	Total
Unit Numbers	1036	68	1104

Primary Education			
		Per house	Per flat
Primary pupil generation rate		0.28	0.07
New Primary Pupils generated from this development			295
New Primary School build contribution			
	per Pupil	per House	per Flat
New Build Rate	£25,289.80	£7,081.20	£1,770.30
Contribution requested towards New Primary School Build			£7,456,503.60

Secondary Education			
		Per house	Per flat
Secondary pupil generation rate		0.20	0.05
New Secondary Pupils generated from this development			211
New Secondary School build contribution			
	per Pupil	per House	per Flat
New Build Rate	£27,935.95	£5,587.19	£1,396.80
Contribution requested towards New Secondary School Build			£5,883,311.24
New Secondary School site contribution			
Residential Land Price per acre for Swale			£688,093
	Pupils	Hectares	Acres
6FE Secondary School	900	8.00	19.768
	per Pupil	per House	per Flat
Land Rate	£15,113.58	£3,022.72	£755.68
Total = Secondary School Site area x Residential Land Value x (Number of pupils generated by			
Contribution requested towards New Secondary School Site			£3,182,924.16
Total Secondary Education Build and Land contribution			£9,066,235.40

Special Education Needs			
		Per house	Per flat
SEN pupil generation rate		0.0110	0.0027
New SEN Pupils generated from this development			12
New Special Educational Needs build contribution			
	per Pupil	per House	per Flat
New Build/Expansion Rate	£50,893.35	£559.83	£139.96
Contribution requested towards New SEN School Build			£589,501.16

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

Appendix 3B - Communities' Assessment

**Communities Assessment Report
Appendix 2**

**KCC Communities
Development Contributions Assessment**

Site Name	Land West of Teynham
Reference No.	21/503906
District	Swale
Assessment Date	30/05/2024
Development Size	1,250
Non-Applicable Dwellings (under 56sqm GIA)	146

COMMUNITY LEARNING & SKILLS (CLS)	
<p>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.</p> <p>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.</p> <p>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.</p>	
New adult participation from this development	55 clients
Contributions requested from this development	£34.21 per dwelling
<i>1250 dwellings from this proposal</i>	£42,762.50
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	
<p>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.</p> <p>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.</p>	
New Youth/Early Years Service participation from this development	152 clients
Contributions requested from this development	£74.05 per dwelling
<i>1104 dwellings from this proposal</i>	£81,751.20
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)	
<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • Improving existing facilities • Refits and reconfiguration • Intensification of use 	
Library bookstock items per 1,000 population for Swale (Dec 2022)	669
<i>Target: National Library Standard bookstock items per 1,000 population (upper threshold)</i>	1,532
New borrowers from this development	318 borrowers
Contributions requested from this development	£62.63 per dwelling
<i>1250 dwellings from this proposal</i>	£78,287.50
Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Sittingbourne.	

Net contributions requested for KCC Communities' Services	£202,801.20
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Appendix 3C – Social Care

**ADULT SOCIAL CARE ASSESSMENT REPORT
APPENDIX 3**

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

Site Name	Land West of Teynham
Reference No.	21/503906
District	Swale
Assessment Date	30/05/2024
Development Size	1,250

Net Social Care contributions requested:	
Social Care and Health Services	£226,100.00
<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><i>Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures</i></p> <p>* Under the Care Act 2014, Mental Health Act 1993 and Mental Capacity Act 2005</p> <p>**https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing</p>	

A. ASSISTIVE TECHNOLOGY & HOME ADAPTATION EQUIPMENT	<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. ADAPTING COMMUNITY FACILITIES	<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>
C. SENSORY FACILITIES	<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>
D. CHANGING PLACE	<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>
E. SPECIALIST CARE HOUSING	<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>

New Social Care Clients generated from this development:	116 client(s)
<i>Forecast SC clients generated from ALL proposed developments within the District (up</i>	1,511 clients
Contributions requested from this development	£226,100.00
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, then the project will commence as soon as practicable once the funding target has been reached.

Appendix 3D - Waste Assessment

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

Site Name	Land West of Teynham
Reference No.	24/500081
District/Area	Swale
Assessment Date	30/05/2024
Development Size	1,250

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)	
<i>Additional waste generated by new households increase the throughput of waste and reduce speed of waste processing at Waste Transfer Stations.</i>	
1. Applicable dwellings from this development	1,250
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	£9,963,313.00
4. Cost per new dwelling (£9,963,313 / 70,100 new homes)	£142.13
Contributions requested from this development	£142.13 per dwelling
1,250 dwellings from this proposal	£177,662.50
Contributions requested towards Sittingbourne WTS	

B. HOUSEHOLD WASTE RECYCLING CENTRES (HWRC)	
<i>Additional households increase queuing times and congestion at HWRC's and increase throughput of HWRC waste.</i>	
1. Applicable dwellings from this development	1,250
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	£3,338,400.00
4. Cost per new dwelling (£3,338,400 / 64,200 new homes)	£52.00
Contributions requested from this development	£52.00 per dwelling
1,250 dwellings from this proposal	£65,000.00
Contributions requested towards closer of Sheerness, Sittingbourne or Faversham HWRC	

Net Contributions requested for KCC Waste from this development	£242,662.50
--	--------------------

*** 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.

4. **Minerals and Waste**

The County Council, as Minerals and Waste Planning Authority, provided the following response direct to the Borough Council on 25 March 2024 (Appendix 4A).

Appendix 4A – Minerals and Waste Planning Authority Response

From: Bryan Geake - GT GC
Sent: Monday, March 25, 2024 4:06 PM
To: Planning Support <planningsupport@midkent.gov.uk>
Subject: FW: Application No: 21/503906/EIOUT Location: Land To The West Of Teynham London Road Teynham Kent

Dear Matt Duigan

Application No: 21/503906/EIOUT Location: Land To The West Of Teynham London Road Teynham Kent Proposal: Northern Site -Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above planning application's revised details. Please ignore my response of the 13th March 2024. It was compiled without a full understanding of the available data.

The recently submitted revised information has not addressed whether the potentially threatened with sterilisation safeguarded mineral deposits can be the subject of an exemption to the presumption to safeguard as set out in Policy DM 7. It suggests leaving the understanding of potential viability (or not) of the minerals to further testing, presumably as a condition of a planning permission. Given the scale of the development proposed the scope for a prior extraction of usable mineral deposits is arguably significant, in the absence of any objective testing data to the contrary. The matter is one that is a in principle material consideration to the question of whether the proposed development is acceptable. And should not be left as a conditional matter of a planning permission. Therefore, the County Council's holding objection as explained in the County Council's response of the 1st March 2023 (application ref:21/503914/EIOUT) remains unaltered at this time.

I hope that is useful for your determination of the proposals, if you would wish to discuss any of the above further, please do not hesitate to contact me again.

Yours sincerely

Bryan Geake BSc Hons (Geol), MSc, MRTPI

Bryan Geake | Principal Planning Officer | Minerals and Waste Planning Policy | Growth, Environment and Transport | Kent County Council First Floor, Invicta House, County Hall, Maidstone, Kent ME14 1XX | Telephone: 03000 413376 | www.kent.gov.uk/planning

5. Sustainable Urban Drainage Systems

The County Council, as Lead Local Flood Authority, provided the following response direct to the Borough Council on 28 March 2024 (Appendix 5A).

Appendix 5A – Lead Local Flood Authority Response

Matt Duigan
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Flood and Water Management
Invicta House
Maidstone
Kent
ME14 1XX
Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: SBC/2021/086016
Date: 28 March 2024

Application No: 21/503906/EIOUT

Location: Land To The West Of Teynham London Road Teynham Kent

Proposal: Northern Site -Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorpace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorpace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorpace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.

Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority have the following comments:

Since our last response dated the 30th of January 2023, further communications have been had with the with the applicant's drainage representatives that has addressed those previous concerns stated.

In a meeting held on the 3rd of March 2024, it was confirmed by the applicant's consultant that the 3.1 litres a second per hectare discharge rate used in the design submitted was to demonstrate the operational capacity of the system and that detailed designs going forward will utilise a complex control with a staged discharge rate equivalent to the required critical rainfall events.

Further clarification was also provided regarding the onwards conveyance of surface water from the parcels previously detailed whereby, the existing dry valley will be utilised directly or on site drainage swales will be constructed connecting into these valley features.

As part of the conversations, we explained that we will expect for the detailed design of the drainage network to be submitted as part of any reserved matters application in order to demonstrate that the drainage can be accommodated within the site layout proposed. In addition to this, demonstrate that there is no increase to the risk of flooding to or from the development in association with surface water.

Whilst we are aware Southern Water maintains their objection to the use of infiltration, the LLFA accept the general principles proposed for managing water quality as detailed in both the Environmental Statement (Volume 1 chapter 12) and the Drainage Strategy (Water Cycle Study - Vol 3 Surface Water). It is expected for any future Reserved

Matters submissions to provide detailed information to demonstrate that sufficient measures are in place to protect receiving waters. This information will need to also contain the details of the Hydrogeological Risk Assessment referenced in para 12.21 of the Environmental Statement: Volume 3, Non Technical Summary in order to specifically demonstrate that there is no risk of pollution to groundwater. Ultimately, the remit of groundwater protection rests with the Environment Agency, who we note raise no objection at this stage.

In relation to the technical document 16-023-R7010-11 (Rev A) relating to the appropriateness of the application of the sequential test and definitions cited within the Swale SFRA, this ultimately rests as a matter for the LPA to consider. However, given that the NPPF requires the application of the sequential test to consider the risk of flooding in association with all flood risks, we would suggest that the definition of the 'zones' be it either Flood Zone 3 or 'Surface Water Functional Flood Zones' seems a somewhat moot point, given that all parties agree that the dry valleys at times convey surface water and so form 'a risk' of flooding. That being said and regardless of what you as the LPA decide as to the appropriateness of the application of the sequential test, the requirement for a sequential approach to the design of proposals be they in association with infrastructure or dwellings would still apply and we would expect for evidence to be provided in association with any future submission to demonstrate that this has been considered accordingly.

Should you as LPA be minded to grant planning permission for the proposals, we would recommend that the following conditions with advisories be applied:

In association with future Reserved Matters Applications, we would emphasize that additional ground investigation will be required to support the use of infiltration (or indeed to support not using it). It is recommended that soakage tests be compliant with BRE 365 or BS 5930. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway feature will have an appropriate half drain time. Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information.

Given the site is located within multiple Groundwater Source Protection Zones it is essential that further consultation is undertaken with the Environment Agency's groundwater protection team regarding the use of infiltration on this site, and their comments included within any submission.

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:

No development shall take place until the details required by condition 1 (assumed to be reserved matters condition for layout) demonstrate that an effective outfall for surface water is provided for the development layout. This information may include details of surveys of watercourses and culverts and / or details of any works that may be necessary to deliver an effective outfall for surface water.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water

Condition:

Development shall not begin until a phasing plan for the surface water drainage scheme has been submitted to (and approved in writing by) the local planning authority, which demonstrates the provision of the drainage network to serve any designated Phase 1 or subsequent phases prior to occupation. The phasing plan shall indicate and provide details of:

- any strategic provision for surface water drainage required across phases
- any temporary works requirement associated with the construction of the surface water drainage

Reason:

To ensure that any phase of development is served by satisfactory arrangements, at the time at the time of construction, for the disposal of surface water and that they are incorporated into the proposed layouts.

Condition:

Development shall not begin in any phase 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 be based upon the Flood Risk Assessment ref 16-023-3002 prepared by Glenn Charles Associates and shall demonstrate that the surface water generated by this development (for all rainfall

durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

Any detailed drainage scheme will also be required to demonstrate that any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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 175 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,

Neil Clarke
Sustainable Drainage Team Leader
Flood and Water Management

6. Heritage Conservation

Heritage comments will be provided direct to Swale Borough Council in due course.

7. **Biodiversity**

The County Council, in respect of Biodiversity matters, provided the following commentary direct to the Borough Council on 26 April 2024 (Appendix 7A).

Appendix 7A – Biodiversity Response



ECOLOGICAL ADVICE SERVICE

TO: *Matt Duigan*

FROM: *Helen Forster*

DATE: *26 April 2024*

SUBJECT: *Land To The West Of Teynham 21/503906/EIOUT*

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 and have the following comments to make on this application:

We advise that as the updated ecological information was limited to bat emergence surveys and the Habitat Regulations Assessment we advise that our comments have not significantly changed. We advise that we would have expected an updated walk over survey to have been submitted as part of this application to demonstrate that the conclusions of the original survey are still valid.

The submitted ecological surveys have detailed the following:

- Area of traditional orchard within the site – considered to be a priority habitat.
- Small areas of deciduous and wet woodland – considered to be a priority habitat
- 5 ponds within or adjacent to site boundary – one pond assessed to meet the criteria of a priority habitat
- Hedgerows throughout the site – considered to be a priority habitat.
- Stream running through the site – considered to be a priority habitat

- At least 6 species of foraging bats within the site.
- 1 Building and 8 trees assessed as having roosting bat potential within and adjacent to the site – no emergence surveys have been carried out.
- At least 4 active badger setts recorded (including 1 main sett).
- Evidence of badgers foraging/commuting within the site.
- Evidence of otter recorded on site
- Potential for brown hares and hedgehogs to be present.
- 47 species recorded during the breeding bird survey – of which 27 species were breeding or probably breeding and four were possibly breeding within the site
- At least 58 species recorded during the wintering bird surveys
- Amphibians likely to be present – no evidence that GCN are present.
- Common lizard and grass snake present

Bat emergence surveys were carried out in 2023 and no evidence of roosting bats were recorded within the site. We have reviewed the bat emergence survey and are satisfied that the survey information is sufficient to determine this application. If planning permission is granted the survey information will have to be reviewed as part of any detailed mitigation strategy.

An overarching ecological mitigation strategy has been submitted and indicates that the mitigation will be located within the Country Park and areas of green infrastructure of the site. We highlight that an updated site visit has not been carried out and the mitigation strategy has been based on the existing survey which (other than the updated wintering bird survey) is based on survey data which is at least 4 years old. We acknowledge that for the majority of species theoretically there is capacity within the site to support the species recorded within the site. However the ecological mitigation areas will also be used for other purposes such as the provision of SUDS and recreation – in particular we are concerned with the impact of recreation. The report has tried to address this point by detailing that dedicated amenity areas and informal recreation zones will be created to try and manage visitors/residents to the site. This information is not available on a parameter plan but instead provided on the BNG habitat plan within the ecological mitigation strategy. We highlight that there is a need to ensure that this division of types of habitats is achievable and we would expect it to be depicted in a parameter plan.

The wintering and breeding bird surveys have confirmed that farmland birds have been recorded on site and some birds (including skylark) cannot be retained on site due to their requirement for open spaces. No information has been provided detailing how farmland birds can be mitigated as part of the proposed development.

The indicative plan suggests that the hedgerows/open spaces will be created / enhanced throughout the built area of the site to achieve connectivity through the site. The submitted information has detailed that the hedgerows within the north and south of the site will be at least 10-30m in width and the greenspace corridor along the relief road would be at least 30-40m in width. We are supportive of this but there is a need to ensure that this can be implemented and be retained long term.

A Biodiversity Net Gain metric has been submitted and it has detailed that the proposal has an anticipated net gain of up to 30% for habitats. The metric has been produced on a precautionary bases with the majority of habitats proposed to achieve moderate condition and appropriate habitats have been proposed (e.g. natural/species rich grassland only proposed for the country park). In theory we are satisfied that this is achievable but as detailed above there is a need to ensure that any habitat creation will not be negatively impacted by recreational pressure and can be established as intended. If the habitat creation can not be implemented as intended the condition of the habitats established on site will not reach the estimated condition and therefore the anticipated biodiversity net gain will not be achieved.

Habitat Regulations Assessment

We have reviewed the HRA and we advise that subject to the transport consultees being satisfied that the highways assessment is accurate we are satisfied no further information is required.

The report has concluded that the proposed could have a negative impact due to recreational pressure and habitat degradation due to air quality.

Recreational Pressure

The following mitigation is proposed to mitigate the impact of recreational pressure:

- Enhanced payment to the SAMMS
- Creation of open space within the site.

We advise that we are satisfied that the above measures are appropriate

Air Quality:

The report has concluded the following:

- No measurable change to NO_x, ammonia or N deposition along the A299 is expected to occur as a result of the proposed development;
- Along the A249, there would be an exceedance of the relevant critical levels/loads within 25-40m of the road. The majority of this area comprises vegetated highway verges of negligible importance in terms of the SPA/Ramsar;
- The proposed development itself is anticipated to result in a small increase in the area subject to exceedance of such levels relative to the without development scenario, in the region of an additional 5m from the road. This equates to approximately 1.5ha of the SPA/Ramsar, comprising around 0.023% of the total area;
- Beyond 15m from the road, the change in nitrogen deposition is below 1.3kg, such that no measurable change in vegetation is anticipated beyond this distance. No supporting habitats are located within 15m of the road;

On the understanding that the highways assessments used to inform the HRA are correct we advise that we agree with the conclusions regarding the impact due to air quality. However if the highways assessment is incorrect we advise that the HRA will have to be reviewed following the update of the highways assessment.

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:

Base Line Ecological Appraisal; Aspect Ecology; October 2022

Ecological Mitigation Strategy; Aspect Ecology; October 2022

8. Culture

The County Council requests details around the consideration of cultural facilities and activities in the immediate and surrounding areas and would draw the applicant's attention to the [Cultural Planning Toolkit](#).

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Growth, Environment & Transport

Charlotte Glancy
C/O Banks Solutions
80 Lavinia Way
East Preston
West Sussex
BN16 1DD

Sessions House
County Hall
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 411683
Ask for: Simon Jones
Email: Simon.Jones@kent.gov.uk

BY EMAIL ONLY

28 June 2024

Dear Charlotte,

Re: Written Statement to the Tunbridge Wells Local Plan Examination – Stage 3 Matters, Issues and Questions

Thank you for inviting Kent County Council (the County Council) to submit a Written Statement to the Examination of the Tunbridge Wells Local Plan. The County Council, as Local Highway Authority and Local Education Authority, provides the following response in respect of the Matters, Issues and Questions (MIQs).

Matter 4 – The Strategy for Paddock Wood

Issue 2 – Education provision

Q2. How will the needs for secondary school education be met? Will this be through the expansion of Mascalls Academy and/or provision of a new school? What evidence has been produced which considers the merits of each option?

Local Education Authority:

The County Council notes the Local Plan Development Strategy Topic Paper – Addendum (Examination Library reference PS_054) sets out the Borough Council's proposed approach to Education provision within the Plan. This has been developed in consultation with the County Council, as Local Education Authority.

The Local Plan Development Strategy Topic Paper – Addendum (Examination Library reference PS_054) outlines that under the proposed reduced housing level with the removal of Tudeley Village (Policy STR/SS3) the previously proposed site for the establishment of a

secondary school is no longer within the plan and at the same time, there will be a reduction in the number of secondary school places required in response to the reduced housing level.

The Borough Council has set out a strategy whereby an alternative site for the establishment of a new secondary school is made within Paddock Wood and this site will be safeguarded until it is determined whether an additional 3 Form Entry (FE) of provision can be made through expansions of schools within the relevant area. It is important that an eventual net increase of 450 places can be provided in response to growth within Paddock Wood. Where it is demonstrated that an additional 3FE at Mascalls can be achieved and is deliverable (which would represent a net gain in provision within the area) then this is likely to form the proposed route to providing the necessary additional places.

The County Council has identified the operational and educational challenges of expanding a school to such a size, however, the Academy Trust responsible for the running of the school would be required to mitigate these appropriately. The County Council, as Local Education Authority, supports the strategy set out in paragraph 4.52 of the Local Plan Development Strategy Topic Paper – Addendum (Examination Library reference PS_054) that the allocated parcel for a new secondary school be safeguarded until such time that a net additional increase of 3FE at Mascalls, or at Mascalls in conjunction with another school, is confirmed as feasible. The County Council, as Local Education Authority, would request that necessary education provision is secured through appropriate policy wording within the Local Plan – whether this be located at Mascalls or an alternative location.

Issue 4 – Highways Infrastructure

Q1. What effect would the suggested deletion of the Five Oak Green Bypass have on the distribution of traffic across the highway network? Does the growth around Paddock Wood require additional highways mitigation not previously identified?

Local Highway Authority:

A strategic transport model has been developed by Sweco. This assesses the impact of the Revised Local Plan Development Strategy on the highway network without the Five Oak Green bypass. Highway mitigation is proposed at those locations identified as a 'major hotspot' where there are capacity issues as a result of the Local Plan growth. The mitigation must be included in the Infrastructure Delivery Plan.

Results of the modelling of the Revised Local Plan Development Strategy without the Five Oak Green bypass are reported in the Local Junction Capacity Sensitivity Testing Technical Note (Appendix A) (Examination Library reference PS_059) and the Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123).

With regard to the impacts on the B2017 and Five Oak Green, the reports conclude:

Although the data analysis shows that congestion rises along the B2017 through Five Oak Green link in the Local Plan scenario, the demand is not seen as being of a level to justify a major expansion in link capacity or a new link road such as the Five Oak Green bypass that was previously considered. However, it is recommended that

consideration be given to the implementation of enhanced traffic management through the area to better support the flow of vehicles whilst also integrating this with enhanced infrastructure for people walking, wheeling, and cycling in the area to enable them to safely travel along and across the link. More broadly the sustainable transport measures should be designed to maximise accessibility to Paddock Wood rail services to reduce the need for car travel on this link. The design and implementation of such measures would be expected to be linked to Travel Plans and Monitor and Manage agreements for all major Local Plan developments in the wider Paddock Wood area.

It is noted that the B2017 is not identified as a collision hotspot in the Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123) and the removal of the Tudeley Village allocation from the development strategy reduces the stress on the B2017. However, the County Council, as Local Highway Authority, remains concerned that link capacity along the B2017 is predicted to be at full capacity in the Local Plan Modal shift (LPMS) scenario during the AM peak. It is recommended that the route should be included in the Monitor and Manage Strategy to review capacity and safety with traffic management measures brought forward, if necessary, as outlined in the Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123).

Q2. Is the Colts Hill Bypass required as a result of the growth proposed around Paddock Wood? How will it be funded and delivered?

Local Highway Authority:

A link capacity analysis of the A228 Maidstone Road, Colts Hill was reported in the Local Junction Capacity Sensitivity Testing Technical Note (Appendix A) (Examination Library reference PS_059) and the Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123).

The Technical Note states:

A228

The data analysis shows that there is a significant capacity issue on the A228 link through Colts Hill, south of the Badsell Roundabout junction with the B2017. As a result, the model was updated with a higher capacity link that replicates building a new road to modern standards with wider lanes and pavements provided. The analysis in the table for 'New Road' shows that this new link will alleviate the V/C issues along this link. Stantec have designed up the Colts Hill Bypass link for the area that links into a potentially expanded Badsell Roundabout. The trigger point is estimated to be approximately 2,000 dwellings.

The data shows that the link to the north of the Badsell Roundabout is projected to remain within capacity over the Local Plan period.

The capacity analysis indicates that the Colts Hill bypass is required as a result of the proposed growth around Paddock Wood and the costs would be equalised across the Strategic Site developments and included as part of the S106 process for each application. Delivery of the scheme will be managed by the Borough Council and the County Council.

Q4. What is the justification for suggesting the removal of the Five Oak Green Bypass from the Plan, but not the Colts Hill Bypass?

Local Highway Authority:

Sweco has developed a transport model which identifies the impacts of the local plan growth on the surrounding road network. The impact of the Revised Development Strategy without the Five Oak Green bypass is reported in the following documents:

- Local Junction Capacity Sensitivity Testing Technical Note (Appendix A) (Examination Library reference PS_059)
- Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123).

With regard to the impacts on the B2017 and Five Oak Green, the reports conclude:

Although the data analysis shows that congestion rises along the B2017 through Five Oak Green link in the Local Plan scenario, the demand is not seen as being of a level to justify a major expansion in link capacity or a new link road such as the Five Oak Green bypass that was previously considered. However, it is recommended that consideration be given to the implementation of enhanced traffic management through the area to better support the flow of vehicles whilst also integrating this with enhanced infrastructure for people walking, wheeling, and cycling in the area to enable them to safely travel along and across the link. More broadly the sustainable transport measures should be designed to maximise accessibility to Paddock Wood rail services to reduce the need for car travel on this link. The design and implementation of such measures would be expected to be linked to Travel Plans and Monitor and Manage agreements for all major Local Plan developments in the wider Paddock Wood area.

It is noted that the B2017 is not identified as a collision hotspot in the Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123) and the removal of the Tudeley Village allocation from the development strategy reduces the stress on the B2017, however the County Council, as Local Highways Authority remain concerned that link capacity along the B2017 is predicted to be at full capacity in the Local Plan Modal shift (LPMS) scenario during the AM peak. It is recommended that the route should be included in the Monitor and Manage Strategy to review capacity and safety with traffic management measures brought forward if necessary, as outlined in the Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123).

In respect of the requirement for the Colts Hill Bypass, the reports conclude:

A228 The data analysis shows that there is a significant capacity issue on the A228 link through Colts Hill, south of the Badsell Roundabout junction with the B2017. As part of the Local Plan Highways Mitigation scenario the model was updated with a higher capacity link that replicates building a new road to modern standards with wider lanes and pavements provided. The analysis in the table for 'New Road' shows that this new link will alleviate the V/C issues along this link. Stantec have designed

up the Colts Hill Bypass link for the area that links into an expanded Badsell Roundabout. The trigger point is estimated to be approximately 2,000 dwellings. The data shows that the link to the north of the Badsell Roundabout is projected to remain within capacity over the Local Plan period.

The capacity analysis provides evidence that the Colts Hill Bypass is required to mitigate the impacts of the Local Plan growth.

Q5. In what ways does the evidence base rely on modal shift when considering likely future impacts on the highway network? Is the Plan justified by appropriate supporting evidence?

Local Highway Authority:

The Borough Council has adopted a Vision and Validate approach to highway mitigation and this accords with Department for Transport Circular 01/2022.

The vision is to achieve a high modal shift by delivering a suite of sustainable transport initiatives to provide attractive alternatives to private car journeys.

A sensitivity test has been completed for the revised Local Plan Strategy, using the strategic model and assuming low modal shift. Mitigation is proposed for all junctions identified as 'major hotspots' in the low modal shift scenario to be brought forward if necessary, through the Monitor and Manage Strategy.

Further detail on the modal shift assessment can be found in Tunbridge Wells Local Plan Stage 3 Modal Shift Impact Reporting (Examination Library reference PS_049).

Q6. Is it sufficiently clear to users of the Plan what strategic highways improvements will be needed as a result of the growth proposed around Paddock Wood, where and when? Is the Plan (as suggested to be modified) justified and effective in this regard?

Local Highway Authority:

The strategic highway improvements and the year they are required is included in the Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123).

It is understood that the Borough Council is updating the Infrastructure Delivery Plan which will list the highway improvement schemes and the sustainable transport initiatives together with expected delivery dates, costings, and viability assessment.

Matter 7 – Highways Infrastructure

Issue 1 – Strategic and Local Road Network

Q1. Without the proposed bypass, what effect will the suggested changes to the Plan have on the B0217 through Five Oak Green? What mitigation measures will be necessary in this location and how will they be achieved?

Local Highway Authority:

A strategic transport model has been developed by Sweco. This assesses the impact of the Revised Local Plan Development Strategy on the highway network without the Five Oak Green bypass. Highway mitigation is proposed at those locations identified as a 'major hotspot' where there are capacity issues as a result of the Local Plan growth. The mitigation is to be included in the Infrastructure Delivery Plan.

Results of the modelling of the Revised Local Plan Development Strategy without the Five Oak Green bypass are reported in the following documents which are attached.

- Local Junction Capacity Sensitivity Testing Technical Note (Appendix A) (Examination Library reference PS_059)
- Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123).

With regard to the impacts on the B2017 and Five Oak Green the reports conclude:

Although the data analysis shows that congestion rises along the B2017 through Five Oak Green link in the Local Plan scenario, the demand is not seen as being of a level to justify a major expansion in link capacity or a new link road such as the Five Oak Green bypass that was previously considered. However, it is recommended that consideration be given to the implementation of enhanced traffic management through the area to better support the flow of vehicles whilst also integrating this with enhanced infrastructure for people walking, wheeling, and cycling in the area to enable them to safely travel along and across the link. More broadly the sustainable transport measures should be designed to maximise accessibility to Paddock Wood rail services to reduce the need for car travel on this link. The design and implementation of such measures would be expected to be linked to Travel Plans and Monitor and Manage agreements for all major Local Plan developments in the wider Paddock Wood area.

It is noted that the B2017 is not identified as a collision hotspot in the Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123).

and the removal of the Tudeley Village allocation from the development strategy reduces the stress on the B2017, however the Local Highway Authority remains concerned that link capacity along the B2017 is predicted to be at full capacity in the Local Plan Modal shift (LPMS) scenario during the AM peak. It is recommended that the route should be included in the Monitor and Manage Strategy to review capacity and safety with traffic management measures brought forward if necessary, as outlined in the Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123).

Q2. What effect will the suggested changes to the Plan have at Kippings Cross (A21/B2160)? Do the conclusions and recommendations in the Kippings Cross Junction – Local Plan Mitigation Option Analysis remain relevant?

Local Highway Authority:

The junction of the A21/B2160 Kippings Cross, has been identified as ‘major hotspot’, requiring mitigation, in the strategic modelling work completed by Sweco for the Revised Local Plan Development Strategy. The Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123) describes the mitigations considered to date and explanations are provided as to why previously considered options have been discounted. This includes the options previously identified in the Kippings Cross Junction – Local Plan Mitigation Option Analysis (Examination Library reference PS_033).

The Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123) identifies two options which have potential to be taken forward as part of the Local Plan mitigation strategy and these comprise of:

- Option 1 Improvements to capacity at Kippings Cross; and
- Option 2 Improvements to capacity along the A228/A264 Pembury Road corridor including Colts Hill bypass, to provide an attractive alternative route to reach the A21.

It is understood that further work is being completed by Sweco and by Stantec to model the impacts of Option 2 to inform the mitigation option to take forward and include in the Local Plan Monitor and Manage Strategy.

Q3. What effect will the proposed changes to the Plan and distribution of growth have on the remaining “hotspots” identified in the evidence base? Will there be any unacceptable impacts on highway safety or will the residual cumulative impacts on the road network be severe as a result of the Plan?

Local Highway Authority:

The Revised Local Plan is found to be acceptable in terms of highway safety and the residual cumulative impacts on the road network are not considered to be severe subject to the following:

- Delivery of the sustainable transport interventions and highway infrastructure mitigation as identified in the Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123).
- The inclusion of all ‘major hotspots’ as identified in the Strategic Transport Assessment – Modelling Appraisal (Examination Library reference TWLP_123) in the Monitor and Manage Strategy; and
- Additional supportive evidence being prepared by Tunbridge Wells Borough Council (TWBC) via its consultants Sweco and Stantec to provide further evidence of mitigation options, Infrastructure Delivery Plan, costings, and viability assessment.

Q4. Where mitigation is required, can any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, be cost effectively mitigated to an acceptable degree?

Local Highway Authority:

The mitigation solutions are considered acceptable and appropriate in principle, subject to the work which is currently being finalised by TWBC and which includes the Infrastructure Delivery Plan, costings and viability assessment which are yet to be received.

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

Yours sincerely,



Simon Jones

Corporate Director of Growth, Environment and Transport

Tunbridge Wells Local Plan - Local Junction Capacity Sensitivity Testing Technical Note

Project Name: Tunbridge Wells Local Plan Transport Assessment Author: Dermot Hanney

Review and Approve: Lorna Parsons

Date: 28/11/2023

Document Reference: 1

Revision: 2

1. Introduction

This Technical Note builds upon the work undertaken in Stage 1, Stage 2, and Stage 3 Part 1 of the Local Plan transport modelling, specifically the development of an updated Local Plan scenario for analysis of potential transport mitigations. At the end of Stage 3 Part 1, a scenario *Local Plan High Modal Shift* was identified. This scenario focusses on modal shift from car to sustainable transport modes around the new Local Plan sites based on both developer and council investment in public transport services and active travel infrastructure.

Following completion of the strategic modelling of the “Local Plan High Modal Shift” scenario, a review was undertaken to understand the remaining ‘Major’ hotspots in Tunbridge Wells Borough. Four ‘Major’ hotspot locations were identified:

Table 1 ‘Major’ hotspot junction locations in need of mitigation

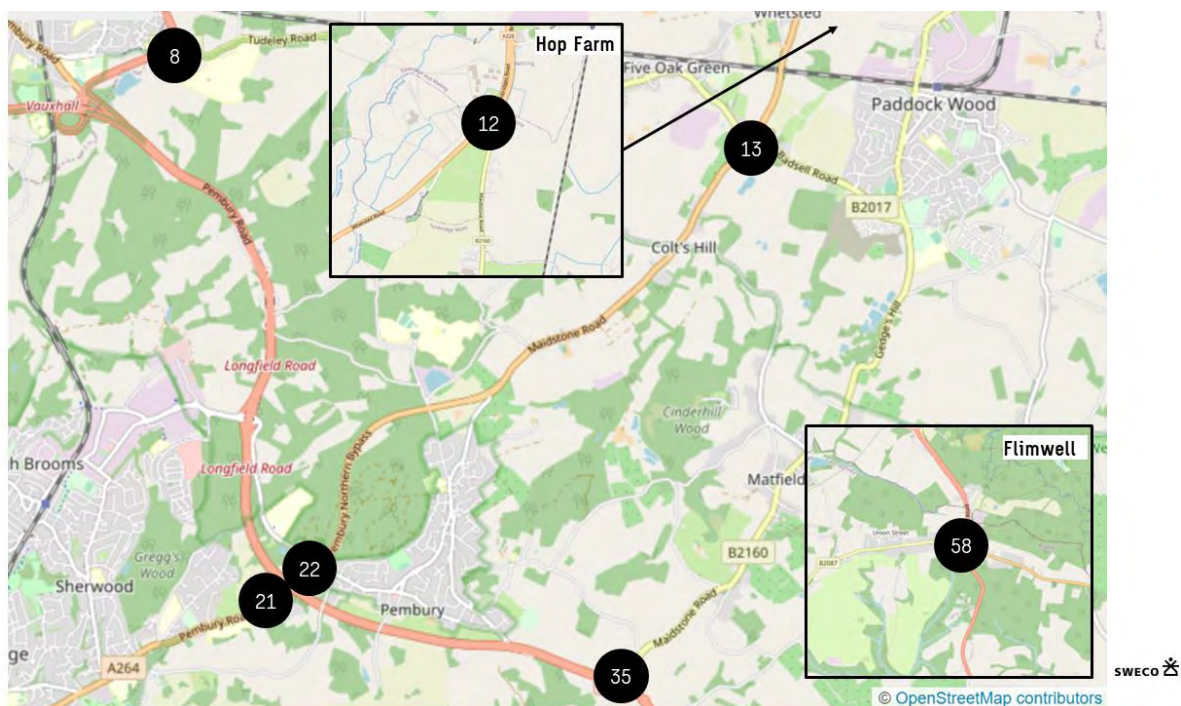
Model ID for junction	Location	Road classification	Arm name
8	Tonbridge /Tudeley	A26	Woodgate Way (N)
		B2017	Tudeley Road (E)
		A26	Woodgate Way (SW)
		Unclassified	Tudeley Lane (W)
12	Hop Farm Roundabout	A228	Branbridges Road (NE)
		B2160	Maidstone Road (SE)
		A228	Whetsted Road (SW)
		Unclassified	Hop Farm (NW)
13	Badsell Roundabout	A228	Maidstone Road (N)
		B2017	Badsell Road (E)
		A228	Maidstone Road (S)
		B2017	Badsell Road (NW)
35	Kippings Cross Roundabout	B2160	Maidstone Road (N)
		A21	Hastings Road (E)
		Unclassified	Dundale Road (S)
		A21	Hastings Road (W)

In addition, National Highways have raised queries around three specific junction locations. These locations are:

Table 2 National highways identified key junctions

Model ID for junction	Location	Road classification	Arm name
21	Pembury Road A21 flyover South West Dumbbell	A21	NB Slip (N)
		A228	Pembury Road (NE)
		A264	Pembury Road (SW)
22	Pembury Road A21 flyover North East Dumbbell	A21	SB Slip (N)
		A228	Pembury Northern Bypass (E)
		Unclassified	Tesco Superstore (S)
		A228	Pembury Road (W)
58	Flimwell Crossroads	A21	London Road (N)
		A268	Hawkhurst Road (E)
		A21	London Road (S)
		B2087	High Street (W)

The location of the junctions referenced above are shown in **Figure 1.1** below. Figure 1-1 Hotspot and Junction Locations



This Note sets out potential mitigation measures for each of the Four 'Major' hotspot locations to remove any remaining residual impacts the Local Plan is creating in terms of additional congestion and delay at these locations, in comparison with the Reference Case (RC). The National Highways additional junctions has been assessed as part of wider strategic analysis to understand if there are knock on impacts that will require mitigation once the 'Major' hotspots discussed in this Note are addressed.

Mitigation Design and Costs

The potential mitigation measures set out within this Note are high-level concept designs and are subject to further design work including technical and safety audit. The level of assessment set out

within the Note has previously been agreed with Kent County Council (KCC) and National Highways (NH) as being proportionate for the Local Plan stage, but it is acknowledged that the further technical design and safety audit work will be required at planning application stage. All flare lengths and new/improved traffic lanes shown on the concept design plans have a Design Manual for Road and Bridges (DMRB) standard carriageway width of 3.65m metres. This is achieved through the provision of new carriageway, thus ensuring that the existing lane widths on the unaffected links are maintained.

High Level Costs exclude costs associated with the diversion of statutory undertakers' apparatus and detailed design. However, it is not proportionate at the strategic Local Plan making stage to go to this level of detail, which will be addressed at planning application stage. Furthermore, costs will vary depending on the level of construction, electrical or survey work required, as well as the equipment suppliers any contractors may use. Notwithstanding, the high level costs presented within this Note are considered to be generous estimates of reasonable costs appropriate for this stage of the Local Plan process.

Strategic Model Scenarios

The Strategic Highway Modelling scenarios have been used to feed demand into the localised junction models used to identify working mitigations for the key hotspot locations. A summary of the strategic model scenarios used for the analysis set out in this Technical Note is provided below:

- **Base Case (BC)** – Base network and base demand as per survey period of 2018. The outputs of this model are outlined in the original LMVR document and have been accepted by all key stakeholders to be within TAG guidance and acceptable as the BC to be used for wider Local Plan highway modelling analysis.
- **Reference Case (RC)** – Base network with agreed junction upgrades to take account of committed developer mitigations as part of committed developments already modelled in the demand. Demand uplifted using TRICS for sites in Tunbridge Wells borough and TEMPRO (version NTEM 7.2 as set out in August 2023 'Stage 1 TN Model Preparation v5 Final' technical note) for areas outside of Tunbridge Wells borough.
- **Local Plan Modal Shift (LPMS)** – The underlying travel demand in the model has been uplifted from RC based on the agreed TRICS based Local Plan trip rates for the Local Plan sites. This scenario then also includes mitigation in the form of modal shift to sustainable transport modes from car as a result of Local Plan developer and council future investments. The modal shift levels are the 'High' scenario as outlined in the Technical Note (TN) for Stage 3 Part 1. The network is per RC except around the A228 Colts Hill and A228/B2017 junction. To reflect issues identified in the model around the A228/B2017 junction acting as a bottleneck, this scenario includes capacity enhancements in these locations to best replicate the expected demand on the wider network as a result of removing these bottlenecks through the implementation of capacity enhancements.
- **Local Plan Highways (LPH)** – This scenario will focus on a final run in the strategic highway model which includes the final list of potential highway mitigation measures identified for Local Plan in terms of addressing network changes. Demand will be based on the Local Plan Modal Shift (LPMS) scenario underlying demand. This analysis will be undertaken at a later stage upon receiving final stakeholder comments with agreement on the set of mitigations to include in the Strategic Highway Model.

Further detail on how the LPMS demand has been derived can be found in Technical Note "[Stage 3 Part 1 TN Modal Shift Proposal Final 11.09.2023 Final](#)". It should also be noted that 10% modal shift was previously agreed by KCC for Paddock Wood and NH, and the high modal shift scenario adopted for this assessment is within this parameter at 9%.

As part of the detailed junction analysis in this report, our reporting focuses on the RC and LPMS scenarios. This is to reflect the LPMS has the expected flows along the A228 by removing key constraints around Badsell Roundabout junction and Colts Hill and KCC support on measures to increase modal shift across the borough. Parallel work has recently been undertaken between TWBC and KCC to ensure measures to increase modal shift will happen through the wider LCWIP and BSIP processes.

Model Years and Mitigation Implementation Year

The full model year is 2038. The 2038 modelling has been used to understand if there is a need for changes to the transport network as a result of Local Plan trip growth.

2. Review of Key Strategic Model Outputs

Junction Flow Changes

This is a high-level summary of the junction flows at the key junction locations identified in Section 1. The analysis includes total flow analysis for each junction based on the AM and PM Peaks. The scenarios considered include BC, RC, and LPMS. The colours on the table denote the scale of flows and change with green showing lower levels of flow or flow differences between scenarios whilst red denotes large amounts of flow or large changes in flow between scenarios.

Table 3 Key junction flow changes between Base Case, Reference Case, and Local Plan

Model ID	Junction	Base Case (BC)		Ref Case (RC)		Local Plan Modal Shift (LPMS)		BC vs RC		RC vs LPMS	
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
8	A26 / B2017	2,639	2,520	3,586	3,067	3,743	3,156	36%	22%	4%	3%
12	A228 / B2160	3,263	2,874	3,699	3,286	3,817	3,536	13%	14%	3%	8%
13	A228 / B2017	2,512	2,493	3,088	3,011	3,806	3,586	23%	21%	23%	19%
22	A21 SB / A228 / A264	1,586	2,193	2,351	2,908	2,571	3,037	48%	33%	9%	4%
21	A21 NB / A228 / A264	2,344	2,502	3,695	3,533	3,871	3,735	58%	41%	5%	6%
35	A21 / B2160	2,967	2,644	3,342	3,327	3,484	3,523	13%	26%	4%	6%
58	A21 / A268 / B2087	1,947	1,662	2,340	1,993	2,371	2,028	20%	20%	1%	2%

In terms of Local Plan, the key metric is the comparison between Reference Case and Local Plan in terms of where the most significant demand growth occurs as an indication of where mitigation may be required. For all junctions except the A228/B2017 junction, the level of growth observed is less than 10%. The growth observed for this comparison is lower than the growth observed between BC and RC, often a multiple of this rate. With some of the junctions already approaching capacity in the Base Year, there may be a need for KCC and NH to intervene to address underlying issues resulting from background growth before the additional flows associated with the Local Plan become an issue to consider.

Flimwell Crossroads

The data shows that for Flimwell Crossroads (junction 58 A21 / A268 / B2087) there is not projected to be a significant increase in highway flows as a result of Tunbridge Wells borough Local Plan development growth.

Link Capacity Review

A high level analysis has been undertaken to understand the impact of Local Plan development demand on key links close to Paddock Wood on the A228 and B2017. A summary of the Volume over Capacity (V/C) analysis is presented below.

Table 4 A228 and B2017 link capacity analysis

A228 Maidstone Road (north of Badsell Junction)

Scenario	AM				PM			
	northbound		southbound		northbound		southbound	
	Demand	V/C	Demand	V/C	Demand	V/C	Demand	V/C
2018 Base	734	46	1,039	65	964	61	644	41
2038 Ref Case	959	60	1,145	72	1,027	65	877	55
2038 Local Plan Modal Shift (LPMS)	1,067	67	1,363	86	1,112	70	1,012	64

A228 Maidstone Road (Colts Hill)

Scenario	AM				PM			
	northbound		southbound		northbound		southbound	
	Demand	V/C	Demand	V/C	Demand	V/C	Demand	V/C
2018 Base	677	66	915	90	920	90	670	66
2038 Ref Case	830	81	1,127	111	990	97	882	86
2038 Local Plan Modal Shift (LPMS)	955	94	1,306	128	1,115	109	1,160	114

A228 Maidstone Road (Colts Hill) New Road

Scenario	AM				PM			
	northbound		southbound		northbound		southbound	
	Demand	V/C	Demand	V/C	Demand	V/C	Demand	V/C
2018 Base	677	43	915	58	920	58	670	42
2038 Ref Case	830	52	1,127	71	990	62	882	55
2038 Local Plan Modal Shift (LPMS)	955	60	1,306	82	1,115	70	1,160	73

B2017 Badsell Road (Five Oak Green)

Scenario	AM				PM			
	eastbound		westbound		eastbound		westbound	
	Demand	V/C	Demand	V/C	Demand	V/C	Demand	V/C
2018 Base	282	31	416	46	512	57	331	37
2038 Ref Case	455	51	615	68	644	72	405	45
2038 Local Plan Modal Shift (LPMS)	509	57	898	100	832	92	481	53

The V/C is based on the strategic model link flows divided by the overall identified link capacity, based on the descriptions provided by National Highways in the Design Manual for Roads and Bridges (DMRB) TA 79/99.

A228

The data analysis shows that there is a significant capacity issue on the A228 link through Colts Hill, south of the Badsell Roundabout junction with the B2017. As a result, the model was updated with a higher capacity link that replicates building a new road to modern standards with wider lanes and pavements provided. The analysis in the table for 'New Road' shows that this new link will alleviate the V/C issues along this link. Stantec have designed up the Colts Hill Bypass link for the area that links into a potentially expanded Badsell Roundabout. The trigger point is estimated to be approximately 2,000 dwellings.

The data shows that the link to the north of the Badsell Roundabout is projected to remain within capacity over the Local Plan period.

B2017 (Five Oak Green)

Although the data analysis shows that congestion rises along the B2017 through Five Oak Green link in the Local Plan scenario, the demand is not seen as being of a level to justify a major expansion in link capacity or a new link road such as the Five Oak Green bypass that was previously considered . However, it is recommended that consideration be given to the implementation of enhanced traffic management through the area to better support the flow of vehicles whilst also integrating this with enhanced infrastructure for people walking, wheeling and cycling in the area to enable them to safely travel along and across the link. More broadly the sustainable transport measures should be designed to maximise accessibility to Paddock Wood rail services to reduce the need for car travel on this link. The design and implementation of such measures would be expected to be linked to Travel Plans and Monitor and Manage agreements for all major Local Plan developments in the wider Paddock Wood area.

3. Overview of Junction Modelling Undertaken

The findings from the local junction modelling have been used to confirm potential mitigation solutions at the key hotspots with the aim to produce nil detriment to the junction's capacity performance when compared to the Reference Case scenario. The junctions have been modelled using industry standard software. Junctions9 software has been used for modelling roundabouts, specifically the Arcady model for roundabouts. The traffic signal junctions have been modelled using LinSig3 software.

Junction Capacity Appraisal – Definition of Modelling Terms

Volume to Capacity ratio (V/C) – This comes from the Strategic Saturn highway model. It is a measure of the performance of a junction – over 95% a junction is generally agreed to be operating above capacity. There are a number of junctions with Volume / Capacity close to or greater than 95% in the RC. Where the Volume / Capacity is similar or at a lower level in the Local Plan scenario, mitigation measures are not put forward. The Transport Assessment for the Local Plan focuses on identifying potential measures that may need to be secured to address severe impacts occurring as a result of the allocated development sites only.

ARCADY LOS = Level of Service – The Junction modelling software refers to Level of Service values contained in the Highway Capacity Manual (HCM 2000). In this instance, model outputs show the unsignalised level of service values for each peak hour, based on the average delay per arriving vehicle. The LOS system uses the following alphabetised categories:

- A = Free flow
- B = Reasonably free flow
- C = Stable flow
- D = Approaching unstable flow
- E = Unstable flow
- F = Forced or breakdown flow

Queue Length – The queue lengths stated in the capacity assessment results represent the average maximum queue lengths in Passenger Car Units (PCUs) on each approach arm across the peak hour. They are therefore indicative of queuing extents at the busiest point of the peak hour and are not representative of average conditions. This applies to all models used.

ARCADY RFC = Ratio of Flow to Capacity – The ratio of flow to capacity provides a measure of the utilised capacity of a junction approach arm. Arms exceeding a ratio of 0.85 (i.e. 85% capacity utilised) are considered to be approaching capacity and characteristically have light-to-moderate levels of queued traffic flow. Arms exceeding a ratio of 1.00 (i.e. 100% capacity utilised) are considered to be over capacity and are characterised as having heavy volumes of queued traffic.

ARCADY results that exceed RFCs of 1.00 generate queue lengths that are subject to exponential growth. For this reason, queue lengths attributed to overcapacity approach arms should be seen as indicative rather than representative. The capacity assessment tables within this technical note use a colour-coding system to assist in appraisal:

- Arms with an RFC of less than 0.85 are coloured green.
- Arms with an RFC between 0.85 and 0.99 are coloured amber.
- Arms with an RFC of 1.00 or more are coloured red.

LINSIG DOS = Degree of Saturation – The degree of saturation is an output from LINSIG which provides a measure of the utilised capacity of a signalised junction approach lane. It is directly comparable to the RFC outputs obtained from ARCADY assessments (see above). The colour-coding system used to categorise DOS in the model results tables is as follows:

- Lanes with a DOS of less than 85% are coloured green.
- Lanes with a DOS between 85% and 99% are coloured amber.
- Lanes with a DOS of 100% or more are coloured red.

Derivation of Localised Modelling

The list of schemes agreed and set out in Section 3 onwards of this Technical Note for localised modelling was agreed with TWBC as a result of Stage 3 Part 1 Modelling analysis.

Traffic Flows for Localised Models

Strategic modelling has initially been used as an indicator to identify junctions that could be over capacity. Where a potential need for mitigation has been identified, the traffic flows for the localised traffic model of the identified junctions have been derived as follows:

1. Extract traffic flows from the strategic model for Reference Case and Local Plan scenarios.
2. Input strategic model flows into the localised junction models. This will mean both traffic growth and any changes in network assignment will be taken into account.

This method has been adopted upon previous consultation with KCC and NH to ensure accuracy on future year junction demand.

Layout

There are no topographical surveys available for this analysis. As a result, Ordnance Survey mapping has been used to identify the geometric configuration for the mitigation solutions outlined within this Note.

4. Junction 8 A26 Woodgate Way/B2017 Tudeley Road/Tudeley Lane

Summary of Strategic Modelling Results and Reason for Mitigation

The data shows that even with high modal shift alongside the local plan growth, demand through this junction will increase. Cumulatively there is approximately an additional 150 vehicles through the junction in the Local Plan scenarios. In the Local Plan Modal Shift scenario without any highway changes, the highest Volume-to-Capacity ratio (V/C) is 101% in the AM peak and 96% in the PM peak, as summarised in the table below.

Table 5 Strategic Highway Modelling outputs for Junction 8 A26 / B2017

ID Junction	Description	2038 Reference Case (RC)					Local Plan Modal Shift (LPMS)				
		V/C	Flow pcu	Jct V/C	Avg Q (pcu)	Delays (sec)	V/C	Flow pcu	Jct V/C	Avg Q (pcu)	Delays (sec)
AM	A26 Woodgate Way (N)	99	1,307	94	4	86	100	1,315	98	6	95
	B2017 Tudeley Road (E)	91	931	94	2	52	102	1,066	98	18	114
	A26 Woodgate Way (SW)	96	1,118	94	4	55	99	1,133	98	6	64
	Tudeley Lane (W)	63	231	94	1	25	65	228	98	1	27
PM	A26 Woodgate Way (N)	93	1,161	83	2	46	96	1,182	85	3	52
	B2017 Tudeley Road (E)	41	461	83	0	17	44	512	85	0	19
	A26 Woodgate Way (SW)	96	1,275	83	1	74	97	1,292	85	2	83
	Tudeley Lane (W)	36	170	83	0	17	38	171	85	0	17

From the above table it can be seen that the SATURN Strategic modelling indicates that this junction would operate close to capacity in the Local Plan scenario tested. The three key arms in the junction, A26 Woodgate Way (N) arm, the A26 Woodgate Way (SW) arm, and the B2017 Tudeley Road (E) arm see the biggest delays in the AM Peak, with the B2017 Tudeley Road (E) arm in particular impacted by Local Plan demand changes, jumping from 91% V/C to 102% V/C. As a result, a requirement to undertake localised junction modelling to identify a junction mitigation has been identified.

Localised Junction Model – Existing Junction Layout

Sweco have developed an ARCADY junction model to test the existing junction layout against future highway demand projections within the 2038 Reference Case and 2038 Local Plan scenarios, and then develop mitigation concept design to address the identified capacity issues. The concept design is then modelled in order to demonstrate the effectiveness of the mitigation solution.

The ARCADY model outputs for the current junction layout are set out in **Figure 4-1** below.

Figure 4-1 Arcady Results – Current Junction Layout and Future Year Demand (2038)

	AM				PM			
	Queue (PCU)	Delay (s)	RFC	LOS	Queue (PCU)	Delay (s)	RFC	LOS
Ref Case 2038								
1 - A26 North	3.1	8.01	0.74	A	2.5	7.02	0.69	A
2 - B2017 Tudeley Rd	22.9	80.67	1	F	0.9	6.36	0.45	A
3 - A26 south	4.5	13.72	0.81	B	3.5	9.22	0.77	A
4 - Five Oak Green Rd	0.7	10.41	0.4	B	0.3	6.43	0.23	A
Local Plan Modal Shift (LPMS) 2038								
1 - A26 North	3.3	8.31	0.75	A	2.7	7.7	0.72	A
2 - B2017 Tudeley Rd	71.6	198.89	1.12	F	1	6.67	0.49	A
3 - A26 south	4.6	13.87	0.82	B	3.9	10.13	0.78	B
4 - Five Oak Green Rd	0.7	10.22	0.39	B	0.4	6.77	0.24	A

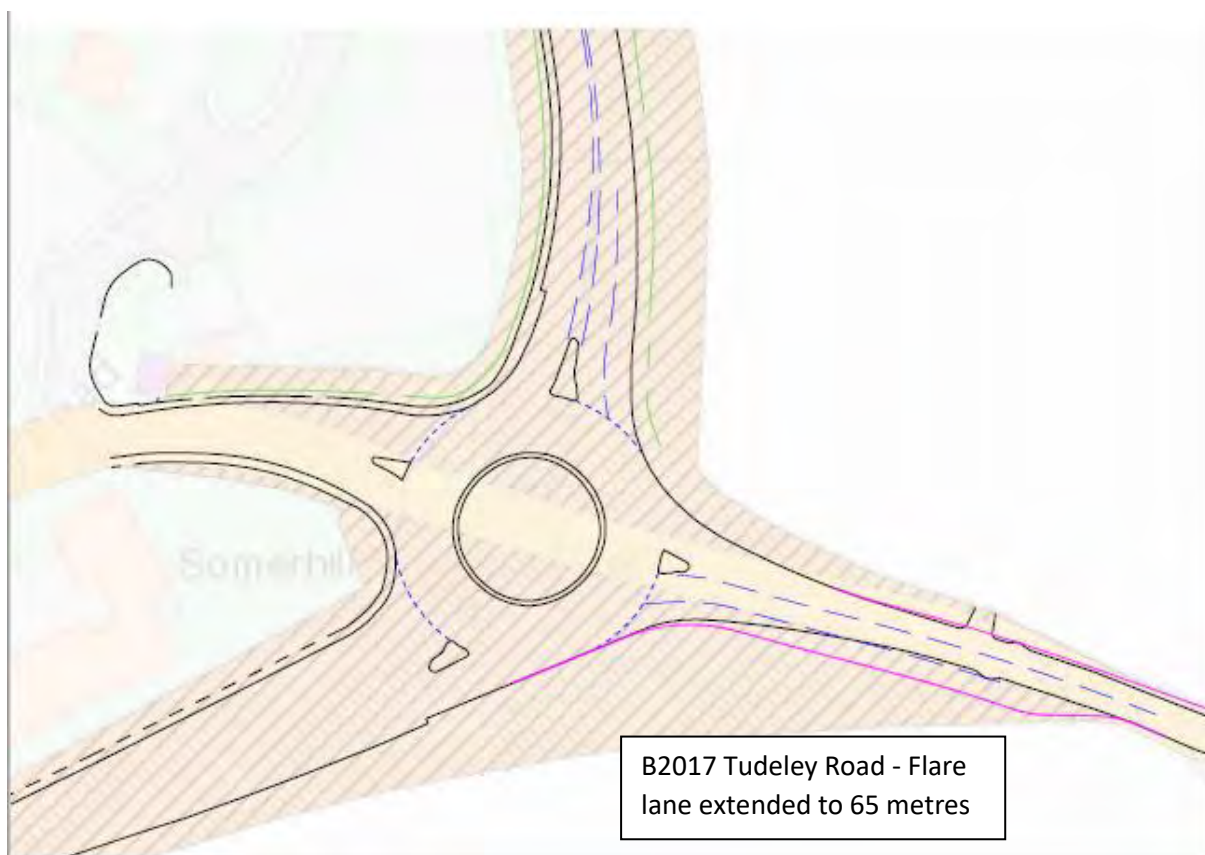
The results show that in the PM peak, there are no capacity issues predicted at this junction with a Level of Service (LoS) of 'A' recorded in all scenarios, except the A26 south arm with a LoS of 'B'. However, the arm is still considered to be reasonably free flowing.

In the AM Peak, the B2017 Tudeley Road is shown to be operating at capacity in the RC and over capacity with an RFC over 100% in the Local Plan scenario, as highlighted in the LoS of 'F' for this arm.

Potential Mitigation and Boundary Analysis

The mitigation measure identified to deliver improved infrastructure performance when considering additional future growth is to provide additional capacity on the B2017 Tudeley Road approach to the junction. The potential mitigation solution identified is the provision of a second lane on the approach to the roundabout. The resultant concept design is illustrated in **Figure 4-2** below.

Figure 4-2 Junction 8 – A26 / B2017 Mitigation Concept Design



The orange shaded area denotes land owned and publicly maintainable by KCC Highways, as obtained from KCC. As indicated on the drawing above, the carriageway widening that could be achieved on Tudeley Road, within the existing highway boundary, is a 65m flare. The running lanes on Tudeley Road have been assumed to be 3.65m each, and the westbound lane has been widened marginally on the north side to achieve 3.65m. The above concept design has been assessed in an ARCADY junction model as discussed below.

Localised Junction Model – Mitigation Solution

The result of the ARCADY model of the mitigation solution outlined above is summarised in **Figure 4-3**.

Figure 4-3 – Arcady Results: Mitigation Junction Layout (2038 Future Year Demand)

	AM				PM			
	Queue (PCU)	Delay (s)	RFC	LOS	Queue (PCU)	Delay (s)	RFC	LOS
Local Plan Modal Shift (LPMS) 2038								
1 - A26 North	3.3	8.31	0.75	A	2.7	7.7	0.72	A
2 - B2017 Tudeley Rd	4	12.73	0.79	B	0.6	3.79	0.35	A
3 - A26 south	5.6	16.99	0.85	C	3.9	10.11	0.78	B
4 - Five Oak Green Rd	0.8	11.72	0.43	B	0.4	6.77	0.24	A

The Tudeley Road arm LoS has fallen to ‘B’, with an RFC of 79 and a queue of just 4 PCUs. This represents a significant reduction in queueing and delay on the B2017 arm to below RC levels. There are marginal increases in RFC on the other arms, however these are considered negligible. Therefore, our analysis shows that the suggested concept design would lead to ‘nil-detriment’ in the area.

The junction modelling analysis indicates that a 65 metre flare will be sufficient to deliver the benefit required to bring this junction performance back to RC levels.

DMRB Design Compliance

The identified mitigation measure would be designed in accordance with CD 116 – Geometric design of roundabouts. These works are very minor and therefore, departures from standards are not anticipated. The initial feasibility layout is largely limited to the westbound approach to the roundabout on the Tudeley Road arm, with the immediate approach flare retained.

Safety Review

The highway improvement works are minor in nature. The primary safety consideration would be securing adequate visibility towards and through the junction. It is considered that these can be easily provided. Furthermore, as there are no existing or proposed pedestrian movements crossing or travelling along the southern edge of Tudeley Road, these highway improvement works would not negatively impact pedestrian safety.

Estimated Year of Implementation

2031 onwards as Paddock Wood developments come online.

Cost and Budget

A high-level cost estimate is expected to be approximately £500,000. This would be within the identified Stantec proposed masterplan budget (as part of the Strategic Sites Infrastructure Plan) for a mitigation at this location of £1,000,000. The Infrastructure Delivery Plan has identified a cost of £1,500,000 for the wider works.

5. Junction 12 A228 Branbridges Road / B2160 Maidstone Road / A228 Whetsted Road

Summary of Strategic Modelling Results and Reason for Mitigation

As illustrated by the SATURN modelling results summarised below, the greatest impact of the Local Plan on this junction are experienced in the AM Peak as a result of additional traffic on the B2160 and A228 SW approach arms. As a result, a requirement to undertake localised junction modelling to identify a junction mitigation has been identified.

Table 6 Strategic Highway Modelling outputs for Junction 12 A228 / B2160

ID Junction	Description	2038 Reference Case (BAA)					2038 Local Plan with A228 upgrades (EAB)				
		V/C	Flow pcu	Jct V/C	Avg Q (pcu)	Delays (sec)	V/C	Flow pcu	Jct V/C	Avg Q (pcu)	Delays (sec)
AM	A228 Branbridges Road (NE)	100	2,116	98	3	34	103	2,128	102	33	80
	B2160 Maidstone Road (SE)	105	587	98	22	170	108	615	102	31	219
	A228 Whetsted Road (SW)	92	958	98	3	50	99	1,035	102	6	67
	Unnamed Road (NW)	15	39	98	0	24	16	39	102	0	25
PM	A228 Branbridges Road (NE)	70	1,493	84	0	13	79	1,674	91	0	15
	B2160 Maidstone Road (SE)	85	667	84	2	46	101	754	91	12	95
	A228 Whetsted Road (SW)	107	1,032	84	44	201	109	1,012	91	54	243
	Unnamed Road (NW)	42	93	84	1	30	43	96	91	1	31

Localised Junction Model – Existing Junction Layout

Sweco have developed an ARCADY junction model to test the existing junction layout against future highway demand projections within the Reference Case and Local Plan scenarios. On the results of the ARCADY model, a mitigation concept design to address the identified capacity issues has been identified. The concept design is then modelled in order to demonstrate the effectiveness of the mitigation solution.

The ARCADY model outputs for the current junction layout are set out in **Figure 5-1** below.

Figure 5-1 Arcady Results – Current Junction Layout and Future Year Demand (2038)

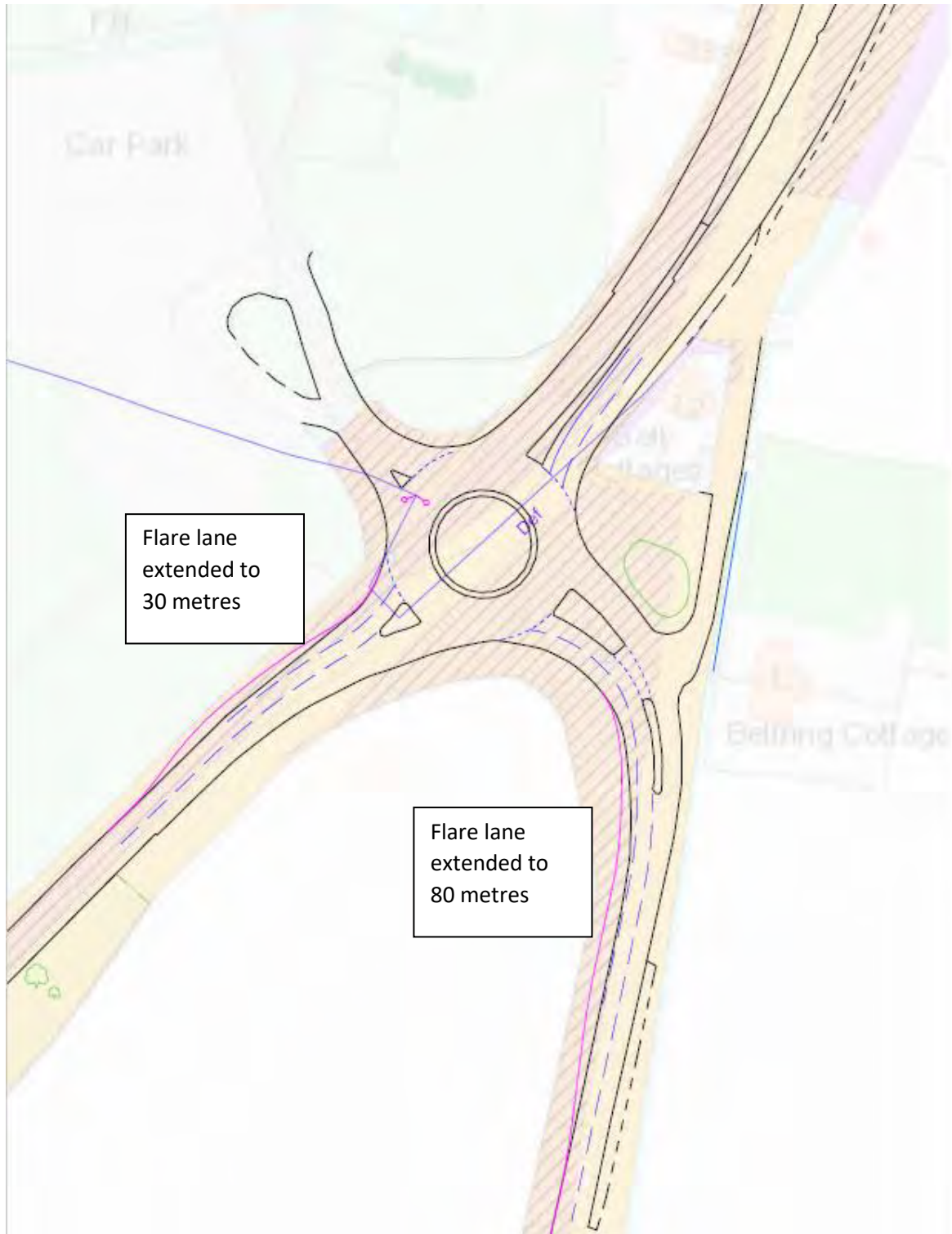
	AM				PM			
	Queue (PCU)	Delay (s)	RFC	LOS	Queue (PCU)	Delay (s)	RFC	LOS
Ref Case 2038								
1 - A228 Branbridges Road	22.1	35.88	0.97	E	2.4	5.28	0.69	A
2 - B2160 Maidstone Road	10.8	63.67	0.94	F	4.9	25.2	0.83	D
3 - A228 Whetsted Road	7.8	28.51	0.89	D	23.5	74.71	1	F
4 - Hop Farm Village	0.1	9.27	0.08	A	0.4	14.2	0.27	B
Local Plan Modal Shift (LPMS) 2038								
1 - A228 Branbridges Road	29.4	46.14	0.99	E	3.6	7.23	0.77	A
2 - B2160 Maidstone Road	17.4	93.12	1	F	15.6	70.36	0.97	F
3 - A228 Whetsted Road	15.4	51.15	0.96	F	24.3	78.14	1	F
4 - Hop Farm Village	0.1	10.37	0.1	B	0.4	15.09	0.29	C

The results show that in the RC scenario, the junction approaches capacity in the AM Peak on the three key arms of the A228 North and South arms, and the B2160 arm. In the PM Peak, the B2160 arm and A228 South arm (Whetsted Road) are also shown to be operating at capacity with a LoS of 'F'.

Potential Mitigation and Boundary Analysis

The mitigation measure identified to ensure better junction performance when considering additional future growth is to provide additional capacity on both the A228 SW approach arm, and the B2160 approach arm. This would be achieved through the provision of extended flare lengths to accommodate 2 lanes on each. The concept design of this measure is illustrated in **Figure 5-2** below.

Figure 5-2 – Junction 12 A228 / B2160 Mitigation Concept Design



The mitigation solution includes the provision of an additional 30 metres of extra flare lane on the A228 (SW) arm approaching the roundabout, whilst the flare on the B2160 approach arm to roundabout would be extended by 80 metres. As illustrated, the full extent of these works can be accommodated within existing public highway and thus, this mitigation solution would be wholly achieved within highway land. The geometry of the roundabout and other approaches remains the same, whilst no additional crossings are included.

Localised Junction Model – Mitigation Solution

The result of the ARCADY model of the mitigation layout outlined above is summarised in **Figure 5-3** below.

Figure 5-3 – Arcady Results: Mitigation Junction Layout (2038 Future Year Demand)

	AM				PM			
	Queue (PCU)	Delay (s)	RFC	LOS	Queue (PCU)	Delay (s)	RFC	LOS
Local Plan Highways (LPH) 2038								
1 - A228 Branbridges Road	29.6	46.35	0.99	E	3.6	7.23	0.77	A
2 - B2160 Maidstone Road	2.8	15.2	0.72	C	2.9	13.05	0.73	B
3 - A228 Whetsted Road	3.8	12.36	0.78	B	4.4	14.78	0.81	B
4 - Hop Farm Village	0.1	10.92	0.1	B	0.5	16.69	0.31	C

The output shows that the mitigation solution assessed would resolve the issues on the B2160 and A228 South arms in both AM and PM Peak. The respective LoS for each arm respectively falls from levels of ‘F’ in the Local Plan scenario without highway changes to LoS ‘B’ or ‘C’.

The A228 Branbridges Road arm that was an issue in the RC scenario with LoS ‘E’ in the AM Peak, remains at LoS ‘E’. The queue for this arm rises by approximately 7 PCUs and delay in seconds increases by approximately 11 seconds in the AM Peak. Though this is an issue to be considered from a junction performance perspective, these impacts are not seen as severe enough to warrant further Local Plan led junction improvement works or mitigation.

DMRB Design Compliance

The identified mitigation measure would be designed in accordance with CD 116 – Geometric design of roundabouts. These works are very minor, fitting within highway land with no CPO needed, and therefore, departures from standards are not anticipated. The initial feasibility layout is largely limited to the southeast and southwest approaches to the roundabout on the A228 Whetsted Road and B2160 Maidstone Road arms respectively, with the immediate approach flares and roundabout geometry retained.

Safety Review

The highway improvement works are minor in nature. The primary safety consideration would be securing adequate visibility towards and through the junction. It is considered that these can be easily provided without the need for third party land.

Estimated Year of Implementation

2031 onwards as Paddock Wood developments come online.

Cost and Budget

A high-level cost estimate is expected to be approximately £250,000. This is within the identified Stantec proposed masterplan budget and Infrastructure Delivery Plan estimate of £1,000,000 for mitigation at this location. As a result, there is no additional funding requirement identified for this location.

6. Junction 13: A228 Maidstone Road / B2017 Badsell Road

Summary of Strategic Modelling Results and Reason for Mitigation

The table below sets out key information from the strategic model in terms of delay and flows when comparing the RC scenario with the LPMS scenario at the A228 / B2017 junction.

Table 7 Strategic Highway Modelling outputs for Junction 13 A228 / B2017 prior to A228 layout changes

ID Junction	Description	2038 Reference Case (RC)					Local Plan Modal Shift (LPMS) pre A228 changes				
		V/C	Flow pcu	Jct V/C	Avg Q (pcu)	Delays (sec)	V/C	Flow pcu	Jct V/C	Avg Q (pcu)	Delays (sec)
AM	A228 Maidstone Road (N)	111	1,194	99	68	239	113	1,192	104	77	273
	B2017 Badsell Road (E)	108	619	99	31	198	116	676	104	56	346
	A228 Maidstone Road (S)	94	825	99	3	35	102	842	104	13	79
	B2017 Badsell Road (NW)	66	450	99	1	22	71	486	104	1	24
PM	A228 Maidstone Road (N)	94	893	93	2	26	101	965	101	14	69
	B2017 Badsell Road (E)	68	484	93	1	17	85	590	101	2	23
	A228 Maidstone Road (S)	100	993	93	5	50	104	984	101	28	132
	B2017 Badsell Road (NW)	102	641	93	13	92	110	689	101	40	244

The RC shows underlying issues on all arms. Of particular note are the A228 North arm and B2017 East arm in the AM Peak, and the A228 South arm and B2017 North West arm in the PM Peak.

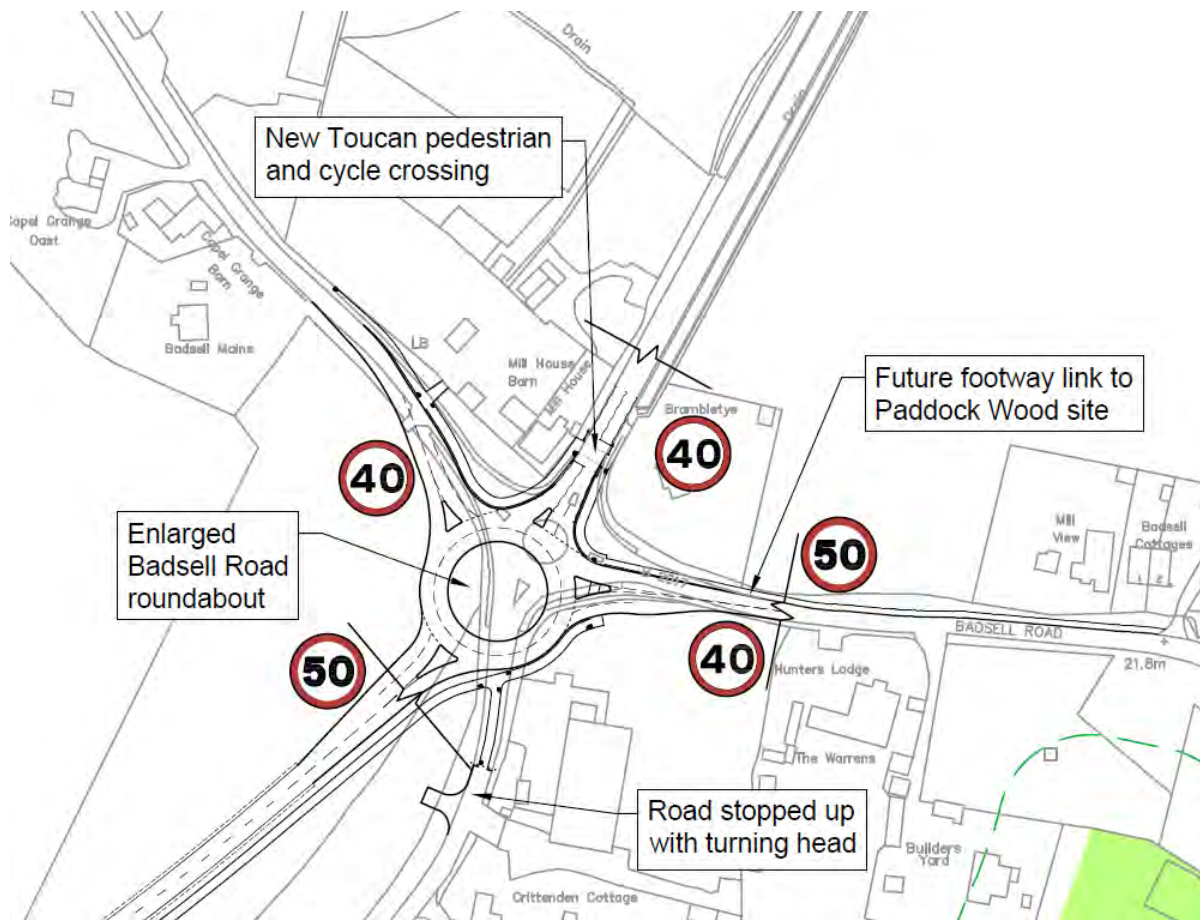
When Local Plan demand is added, without changing the junction or link layout along the A228 corridor, it can be seen that the junction fails to function properly, with significant congestion experienced on all arms in both the AM and PM Peaks. This highlights the need for additional capacity at the junction.

A scheme is being developed by Stantec on behalf of developers in the area. Following initial discussions with Stantec, Sweco has sought to replicate the overall principles of the Stantec proposals in the localised junction modelling for this junction without the ability to directly test the final design. The changes made have been:

- Increase the size of the roundabout with two lane approaches on all arms as well as two lanes around the roundabout.
- Additional capacity on the A228 south of the roundabout around Colts Hill to take account of the proposed Colts Hill bypass being designed by Stantec.

The proposed scheme considered within the mitigation modelling is shown in **Figure 6.1** below.

Figure 6-1 – Junction 13 A228 / B2017 Mitigation Concept Design



The results of the revised Strategic Highway model run with the changes at Badsell Roundabout and A228 Colts Hill represented in the model are set out below.

Table 8 Strategic Highway Modelling outputs for Junction 13 A228 / B2017 after A228 layout changes

ID Junction	Description	2038 Reference Case (RC)					Local Plan Modal Shift (LPMS) post A228 changes				
		V/C	Flow pcu	Jct V/C	Avg Q (pcu)	Delays (sec)	V/C	Flow pcu	Jct V/C	Avg Q (pcu)	Delays (sec)
AM	A228 Maidstone Road (N)	111	1,194	99	68	239	103	1,373	88	31	148
	B2017 Badsell Road (E)	108	619	99	31	198	106	1,001	88	38	157
	A228 Maidstone Road (S)	94	825	99	3	35	70	933	88	1	29
	B2017 Badsell Road (NW)	66	450	99	1	22	43	498	88	0	20
PM	A228 Maidstone Road (N)	94	893	93	2	26	77	1,026	73	1	23
	B2017 Badsell Road (E)	68	484	93	1	17	54	664	73	1	15
	A228 Maidstone Road (S)	100	993	93	5	50	81	1,073	73	1	35
	B2017 Badsell Road (NW)	102	641	93	13	92	71	824	73	1	31

The Sweco LPMS model run with changes to the A228 network included shows that all arms perform better in the AM and PM peaks compared to their equivalent in the RC. In the PM Peak all arms work within capacity as well as the A228 South arm and B2017 North West arm in the AM Peak. Congestion remains on the A228 North and B2017 East arms, albeit these levels of congestion are a reduction on the projected RC levels.

The flows have been shared with Stantec for them to undertake further model runs as part of the masterplan work to finalise the design required for the junction to operate with the Local Plan growth.

7. Junctions 21 and 22: A21 / A228 / Tesco

Summary of Modelling Results and Reason for Mitigation

Analysis has been undertaken of the two junctions that meet at the A21 slips where the A228 / A264 crosses the A21 by overbridge. The data from the strategic SATURN model is presented below.

Table 9 Strategic Highway Modelling outputs for Junctions 21 and 22 A21 / A228 / A264

Junction	Description	2018 Base Case (BC)			2038 Reference Case (RC)				Local Plan Modal Shift (LPMS)						
		V/C	Flow pcu	Jct V/C	V/C	Flow pcu	Jct V/C	Avg Q (pcu)	Delays (sec)	V/C	Flow pcu	Jct V/C	Avg Q (pcu)	Delays (sec)	
South West Dumbbell	AM	A21 NB Slips (N)	53	467	68	62	550	85	1	19	63	553	94	1	19
		A228 Pembury Road (NE)	60	797	68	82	1,312	85	1	14	95	1,505	94	3	20
		A264 Pembury Road (SW)	81	1,079	68	94	1,833	85	1	18	102	1,814	94	26	66
	PM	A21 NB Slips (N)	33	220	82	63	472	81	1	21	84	568	88	2	28
		A228 Pembury Road (NE)	79	1,052	82	88	1,483	81	1	15	94	1,481	88	3	18
		A264 Pembury Road (SW)	93	1,231	82	80	1,578	81	0	15	86	1,686	88	1	16
North East Dumbbell	AM	A21 SB Slips (N)	51	329	45	101	570	76	8	69	96	533	82	4	45
		A228 Pembury Northern Bypass (E)	37	495	45	69	744	76	2	25	86	984	82	3	32
		Tesco (S)	15	82	45	35	87	76	0	27	67	108	82	1	53
		A228 Pembury Road (W)	51	681	45	72	950	76	0	21	71	946	82	0	21
	PM	A21 SB Slips (N)	60	298	62	103	496	94	13	111	104	477	97	17	143
		A228 Pembury Northern Bypass (E)	52	696	62	82	971	94	2	29	84	1,020	97	3	31
		Tesco (S)	63	285	62	145	293	94	53	924	146	292	97	54	943
		A228 Pembury Road (W)	69	914	62	86	1,148	94	0	28	94	1,247	97	1	40

South West Dumbbell

The analysis shows that when comparing the RC demand with the Local Plan demand, with no changes to existing junction layout, that in the AM Peak there is an increase in queueing and delay on the A264 South West arm.

A further analysis was undertaken in ARCADY junction modelling and the results are presented in Figure 7-1 below.

Figure 7-1 – Arcady Results: A21/A228 South West Dumbbell

	AM				PM			
	Queue (PCU)	Delay (s)	RFC	LOS	Queue (PCU)	Delay (s)	RFC	LOS
Ref Case 2038								
1 - A21	1.6	8.76	0.56	A	1.3	9.88	0.55	A
2 - A228 Pembury Road	6.4	14.96	0.83	B	10.2	21.74	0.89	C
3 - A264 Pembury Road	536.4	1237.87	0.98	F	152.5	345.46	0.97	F
Local Plan Modal Shift (LPMS) 2038								
1 - A21	1.5	9.35	0.56	A	2.4	14.16	0.66	B
2 - A228 Pembury Road	18.4	37.47	0.94	E	14	29.95	0.91	D
3 - A264 Pembury Road	581.5	1350.41	0.99	F	217.7	519.05	0.96	F

The results show that through RC background growth, the junction faces significant issues in terms of operation, primarily related to the additional demand on the A264 arm coming out of Royal Tunbridge Wells. In theory the A21 arm works in both peaks but the additional demand on the A228/A264 arms may lead to the junction as a whole operating over capacity at certain times.

The Local Plan scenario sees a worsening of delay on the A264 arm in particular in both peaks. However, it is strongly considered that the Local Plan demand will not be the main driver of congestion issues at this junction, but rather an issue caused by predicted background growth. It is reasonable to expect RC issues to be addressed by the highway authority and that any such enhancements would in

turn accommodate the extra demand generated by Local Plan through a monitor and manage approach.

North East Dumbbell

Reviewing the outputs from the Strategic Highway Model, the AM Peak sees a reduction in queueing vehicles coming off the A21 SB slips from 8 vehicles (circa 50 metres) to 4 vehicles (circa 25 metres). In the PM Peak the queue for the same arm increases from 13 vehicles to 17 vehicles (circa 100 metres). The length of the existing slip before joining the A21 is 205 metres, meaning the future queue is still within the length of the existing slip lane. The other arms don't see significant delay or demand changes.

A further ARCADY junction model analysis was undertaken, and the results are presented in **Figure 7-2** below.

Figure 7-2 – Arcady Results: A21/A228 North-East Dumbbell

	AM				PM			
	Queue (PCU)	Delay (s)	RFC	LOS	Queue (PCU)	Delay (s)	RFC	LOS
Ref Case 2038								
1 - A21	4.6	26.1	0.78	D	3.8	23.91	0.75	C
2 - A228 Pembury Northern	1.9	7.3	0.5	A	2.9	9.2	0.66	A
3 - Tesco	0.6	19.16	0.26	C	16.4	167.1	0.93	F
4 - A228 Pembury Road	2	6.61	0.57	A	3.4	8.58	0.7	A
Local Plan Modal Shift (LPMS) 2038								
1 - A21	3.7	19.5	0.73	C	3.6	23.16	0.73	C
2 - A228 Pembury Northern	2.7	9.49	0.67	A	3.2	9.62	0.69	A
3 - Tesco	1	27.29	0.39	D	17.9	180.47	0.91	F
4 - A228 Pembury Road	2.1	6.64	0.56	A	3.9	10.34	0.76	B

The junction model analysis only outlines a potential issue on the Tesco arm. However, this is seen as a minor issue overall given the identified queues. All other arms have a LoS between 'A' and 'C'. The A21 arm has improved queueing and delay figures in the LPMS scenario compared to the RC.

8. Junction 35: Kippings Cross Roundabout (A21 / B2160)

Summary of Modelling Results and Reason for Mitigation

The data below highlights the expected demand increase through Kippings Cross as a result of new Local Plan development growth strategy in Tunbridge Wells borough.

Table 10 Strategic Highway Modelling outputs for Junction 35 A21 / B2160

	Description	2038 Reference Case (RC)					Local Plan Modal Shift (LPMS)				
		V/C	Flow pcu	Jct V/C	Avg Q (pcu)	Delays (sec)	V/C	Flow pcu	Jct V/C	Avg Q (pcu)	Delays (sec)
AM	B2160 Maidstone Road (N)	104	833	90	23	122	108	827	93	41	208
	A21 (E)	114	1,161	90	85	358	117	1,189	93	102	419
	Dundale Road (S)	14	27	90	0	30	14	27	93	0	30
	A21 Hastings Road (W)	61	1,321	90	0	13	66	1,441	93	0	14
PM	B2160 Maidstone Road (N)	70	394	81	1	27	74	435	86	1	28
	A21 (E)	69	922	81	1	49	72	957	86	1	53
	Dundale Road (S)	24	86	81	0	20	26	89	86	0	21
	A21 Hastings Road (W)	92	1,924	81	0	21	97	2,042	86	1	27

The data shows that for the AM Peak, though there are significant underlying issues in terms of queue and delay on the B2160 North and A21 East arms, the existing issues are slightly exacerbated as a result of additional Local Plan demand, as shown in the LPMS scenario. This is replicated in the PM Peak with the A21 West arm.

It should also be noted that the model analysis relates to junction arm approaches, and so it does not take account of exit issues, namely the A21 exit towards Blue Boys Roundabout, where the A21 narrows from dual carriageway to single carriageway. Congestion and delay issues have been observed when the link demand is highest along the A21 towards Hastings (eastbound) as a result.

As a result, a requirement to undertake localised junction modelling to identify a junction mitigation has been identified.

Localised Junction Model – Existing Junction Layout

Sweco have developed an ARCADY junction model to test the existing junction layout against future highway demand projections within the Reference Case and Local Plan scenarios. The data is presented in **Figure 8-1** below.

Figure 8-1 – Arcady Results: Existing Kippings Cross Junction

	AM				PM			
	Queue (PCU)	Delay (s)	RFC	LOS	Queue (PCU)	Delay (s)	RFC	LOS
Ref Case 2038								
1 - B2160	10.8	45.32	0.93	E	1.5	12.33	0.58	B
2 - A21 east	45.3	117.36	1.05	F	2.2	7.87	0.67	A
3 - Dundale Road	0.3	39.43	0.23	E	0.2	8.79	0.18	A
4 - A21 west	2.5	6.16	0.69	A	55.4	87.44	1.03	F
Local Plan Modal Shift (LPMS) 2038								
1 - B2160	15	62.19	0.96	F	1.5	11.32	0.58	B
2 - A21 east	67.9	167.49	1.1	F	2.5	8.72	0.7	A
3 - Dundale Road	0.3	43.93	0.25	E	0.3	9.51	0.19	A
4 - A21 west	3.4	7.76	0.76	A	110.2	156.68	1.09	F

When reviewing the junction in isolation, the junction model output confirms what has been observed from the strategic junction model in terms of arms with delay that require mitigation. The key arms in need of mitigation in the AM Peak are the B2160 North and A21 East arms, whilst the A21 West arm in the PM Peak requires mitigation.

Option Development

On the results of the ARCADY model, a mitigation concept design development process to address the identified capacity issues has been undertaken. **Table 8-1** describes the mitigations considered to date as part of this assessment and why they have either not resolved the capacity issues (highlighted red) or have not been acceptable to key stakeholders (highlighted orange). The end of the table identifies two options in green that Sweco have taken forward for further design and modelling analysis.

Table 8-2 – Mitigation Options Investigated to Date as Part of this Assessment

ID	Status	Option	Description	Pros	Cons	Stakeholder Feedback
KX1	Dismissed	Partial signalisation Option 1	Signal control of B2160 with stop line/ signal on adjacent circulatory area.	Deliverable within existing highway footprint. Allows traffic to clear roundabout and exit B2160.	Potential queueing on roundabout blocking wider movements Requires ongoing revenue for signals management.	Not favoured by KCC or NH due to potential queueing issues.
KX2	Dismissed	Partial signalisation Option 2	Signal control of the eastbound A21 and B2160 with stop lines/ signals on immediately adjacent circulatory area.	Deliverable within existing highway footprint. Allows traffic to clear roundabout and exit B2160.	Requires ongoing revenue for signals management.	Not favoured by KCC or NH due to potential queueing issues.
KX3	Dismissed	Indirect signals	Signal control of eastbound A21 and B2160 with stop lines at least 20 metres in advance of roundabout to hold traffic back which allows normal roundabout function to continue.	Roundabout operates more efficiently as queuing held back from junction. Deliverable within existing highway footprint.	Queueing on approach roads leading to delays. Marginal reduction in road safety (5% increase in risk score). Requires ongoing revenue for signals management.	Not favoured by KCC or NH due to potential safety issues.
KX4	Dismissed	Narrowing B2160 approach	Narrowing of the B2160 approach to Kippings Cross so that the traffic flow from this link will be constrained to reduce its attractiveness as a route.	Deliverable within existing highway footprint.	Significant impact on queues on B2160 arm.	Not favoured by KCC or NH due to local opposition.
KX5	Dismissed	Redistributing B2160 traffic	Traffic is redistributed over the wider network away from the roundabout due to wider changes to the local road network.	No physical works at the roundabout are required.	Needs detailed wider traffic management works	Unlikely to be acceptable to local groups.

KX6	Unlikely to be accepted	Lane drop eastbound A21	Drop a lane a few hundred metres in advance of the roundabout to reduce entry flows from western arm of A21	Deliverable within existing highway footprint. Throttles traffic entry onto roundabout. No traffic control required. Queueing managed where there are few receptors	Queueing will be certain at peak times. Additional road safety risk at merge.	Unlikely to be acceptable to local groups.
KX7	Unlikely to be accepted	Nearside lane on eastbound A21 made left only.	Nearside lane becomes left turn in advance of junction for western arm of A21. Ahead/right traffic stay in offside lane.	Deliverable within existing highway footprint. Throttles traffic entry onto roundabout. No traffic control required. Queueing managed where there are few receptors	Queueing will be certain at peak times. Additional road safety risk with drivers ignoring lane control.	Unlikely to be acceptable to local groups.
KX8	Unlikely to be accepted	Widening A21 east of junction	Widening eastern arm A21 for a section to move merge point further east; potentially to Blue Boys Roundabout.	Additional stacking space to east of junction will help keep roundabout clear.	If queueing does take place, it will impact local receptor fronting road. Risk of induced demand and queueing returning through roundabout after a relatively short time.	Unlikely to work as a standalone option.
KX9	Unlikely to be accepted	Cross roads and signalisation	Replace roundabout with a signalised crossroads.	Deliverable within existing highway footprint. Control over flows. Detection can be used to hold eastbound A21 traffic to allow roundabout to clear. Better access for NMUs.	Costly and requires ongoing revenue for signals management. Queueing on western arm of A21 still likely.	Indicative junction modelling shows significant delay and congestion issues retained.

KX10	Potential to be taken forward	Modified roundabout layout to achieve the following: Left turn bypass from A21 to B2160 Widening on entry on B2160 Widening on A21 westbound entry	Modification to roundabout to provide a bypass for left turning traffic to the B2160. Increasing the width of the B2160 so there are two lanes on the approach to the roundabout. Both lanes would be right turns to the A21	Removes left turners from roundabout allowing more stacking space for traffic staying on A21. Increases capacity for traffic leaving B2160 Increased capacity for traffic heading west on A21	Costly and requires third party land, including removal of a barn to the north of junction. Queueing on western arm of A21 still likely as this is affected by the blocking back from Blue Boys roundabout	The roundabout exit eastbound could be widened so that the merge to one lane is improved and reduces the risk of blocking back into the roundabout circulatory. Would also require third party land. Initial junction modelling shows this can work as an option.
KX11	Potential to be taken forward	Full signalisation of the roundabout	Increase size of circulatory area to provide internal stacking space for full signalisation. Layout may be more oval than circular to fit mostly within existing junction footprint	Control over flows. Detection can be used to hold eastbound A21 traffic to allow roundabout to clear.	Requires ongoing revenue for signals management. Queueing on western arm of A21 still likely.	Depending on level of stacking space to be created there is potential for this option based on previous partial signalisation roundabout modelling results. Could be combined with widening A21 east of junction for extra merge capacity.

As indicated in Table 8.1, Sweco have identified two preferred options that have the potential to mitigate the impacts of Local Plan development growth. These are described in greater detail below.

KX10 Left turn slip lane

The outline concept design for KX10 identifies the need for some land take to the north west of the roundabout, potentially affecting a barn and land boundaries, as illustrated in **Figure 8.2** below. We note the existence of the listed building (Kippings Cross Farm House, Grade II) and the Historic Farmstead. However, indications are that the improvements sit outside the curtilage of the land boundaries.

Figure 8-3 – Kippings Cross Left Turn Slip Lane



The general arrangement provides a left turn lane from the A21 western arm to Maidstone Road (B2160) of around 90 metres in length. Traffic exits the A21 into a nearside taper becoming the left turn lane.

There are two sub-options for traffic joining Maidstone Road.

- Left turn lane traffic gives way to traffic leaving the northern arm of the roundabout.
- Left turn lane traffic has priority and traffic leaving the northern arm of the roundabout gives way. This option is illustrated in the image above.

KX11 Modified roundabout

The outline concept design for KX11 is the provision of signals to manage traffic flows through the junction. In order to accommodate acceptable stacking spaces at the stop lines within the junction, a much larger roundabout is required, as illustrated in **Figure 8-3** below. As with the previous scheme, there would be a need for some land take including land from all four corners of the current junction in order to support a larger roundabout footprint than is currently there.

Figure 8-4 – Kippings Cross Partial Signalised Roundabout Junction



The general arrangement is for a roundabout elongated along the east-west axis and offset to the west of the current roundabout with a footprint of around 85 metres by 45 metres.

The junction is signalised in two locations.

- A21 western arm/ adjacent circulatory area for a single lane.
- B2160 Maidstone Road/ adjacent circulatory area for two lanes.

The junction has three lanes on its northern side with the nearside lane providing a free flow left turn and then generally a two-lane circulatory area other than a single northbound lane on the western side of the circulatory area.

The A21 eastern arm has a two-lane approach for approximately 60 metres and Maidstone Road has a two-lane approach for approximately 20 metres.

The A21 eastbound exit has a merge largely consistent with the existing layout.

Localised Junction Model – Potential Junction Layout

KX10 model results

This junction mitigation option is assessed in isolation of upstream capacity issues on the A21 east of the Kippings Cross junction. The results of the ARCADY analysis are set out in **Figure 8-4** below.

Figure 8-5 – KX10 ARCADY Analysis Results

	AM				PM			
	Queue (PCU)	Delay (s)	RFC	LOS	Queue (PCU)	Delay (s)	RFC	LOS
Local Plan Modal Shift (LPMS) 2038								
1 - B2160	4.3	17.48	0.8	C	1.2	8.96	0.52	A
2 - A21 east	28.5	77.18	1.01	F	2	6.82	0.64	A
3 - Dundale Road	0.8	108.77	0.47	F	0.3	9.54	0.19	A
4 - A21 west	1.5	4.52	0.58	A	3.2	7.68	0.75	A

Though the analysis still shows capacity issues on the A21 east arm in the AM Peak, when this is compared to the Reference Case the level of congestion has fallen for this arm in terms of delay by about 40 seconds. The B2160 North arm sees a significant improvement with LoS 'C' instead of LoS 'E' in the AM Peak and LoS 'A' for all arms in the PM Peak.

Sweco view this as the preferred Local Plan mitigation as the results show that with added Local Plan demand the junction operates at an improved level compared to the RC. However, Sweco do recognise the potential impacts on third party land, including the need to take account of the listed building and historic farmstead, and the effect this may have on feasibility of such a scheme, subject to detailed design.

It is further recognised that there is a need to find a more robust long-term solution to fix the existing issues faced at this junction. KX11 builds upon KX10 to deliver a potentially more comprehensive junction layout that remedies not only Local Plan related queueing and delay but also impacts related to underlying growth around the RC.

A high level cost estimate is expected to be approximately £500,000. Whilst contingency has been considered, there will be a requirement to factor in costs such as land acquisition and utility diversions that is not possible to establish at this time. KX11 model results

This junction mitigation option is assessed in isolation of upstream capacity issues on the A21 east of the Kippings Cross junction. Due to the presence of signals in the design, the junction modelling has been undertaken in LinSig. The results of the LinSig analysis are set out in **Table 8.2**

Table 8-6– KX11 LinSig Analysis Results

Item	Lane Description	Ref Case 2038				Local Plan Modal Shift (LPMS) 2038			
		AM Peak		PM Peak		AM Peak		PM Peak	
		Deg Sat (%)	Mean Max Queue (pcu)	Deg Sat (%)	Mean Max Queue (pcu)	Deg Sat (%)	Mean Max Queue (pcu)	Deg Sat (%)	Mean Max Queue (pcu)
Network	-	93.60%	-	92.80%	-	93.40%	-	91.80%	-
1/2+1/1	B2160 approach Left Ahead	88.00%	10.9	74.70%	4.6	90.40%	11.8	82.50%	5.8
2/2+2/1	A21 east approach Left Ahead	93.60%	16.9	92.80%	14.2	93.40%	33.5	91.80%	13.3
3/1	Dundale Road approach Left	7.90%	0.1	12.90%	0.2	8.30%	0.1	13.60%	0.3
4/1	A21 west approach Ahead	45.90%	4.9	66.90%	9.5	50.40%	5.7	71.90%	11
4/2	A21 west approach Ahead	40.60%	4.3	59.20%	8	44.00%	4.8	62.00%	8.7
11/1	Circulatory before A21 West entry	8.60%	0.4	31.30%	1.6	8.50%	0.4	28.70%	1.3
12/2	Circulatory before B2160 entry Ahead	37.40%	3.8	35.50%	1.7	37.20%	3.7	29.40%	1.7
12/3	Circulatory before B2160 entry Ahead	55.20%	6.3	60.30%	3	58.30%	6.4	63.00%	4.3

The model results show some residual congestion on the A21 eastern approach in particular, and to a lesser extent in the PM Peak on the B2160 approach. However, overall, it is considered that this

solution provides a viable option that could be taken forward for further development to offset RC and Local Plan related additional highway demand issues at the Kippings Cross junction.

Wider Junction Context

Whilst the junction modelling for the Kippings Cross junction shows that the junction could operate effectively in isolation, its operation with or without mitigation is affected by the existing situation occurring at the Blue Boys junction and the wider capacity issue related to feeding a two lane dual carriageway into a single lane road on the A21. As a result, there is likely a need to add capacity on the A21 eastbound exit arm to stop traffic blocking back onto Kippings Cross.

10. Conclusions

This Technical Note has been prepared to address the remaining residual major hotspots identified in the Strategic Highway Modelling on the back of the high modal shift Local Plan demand model run. In summary:

- *Junction 8 A26 (Woodgate Way) / B2017 (Tudeley Road)* – our analysis indicates that a viable junction mitigation solution can be achieved for this junction through the provision of an extra lane on the B2017 approach to the existing roundabout.
- *Junction 12 A228 (Whetsted Road / Branbridges Road) / B2160 (Maidstone Road)* – our analysis indicates that a viable junction mitigation solution for this junction could be achieved by the provision of extra lanes on the B2160 and the A228 South West approaches to the existing roundabout.
- *Junction 13 A228 (Maidstone Road) / B2017 (Badsell Road)* – our analysis indicates that the proposed Stantec design is viable. However, there is a need to confirm final layout with additional junction modelling and design analysis by Stantec.
- *Junctions 21 and 22 A21 / A228 (Pembury Northern Bypass) / A264 (Pembury Road)*– though there is some additional queueing and delay identified at these junctions, the analysis indicates the existing layout and lane lengths cover the key queueing and delay at the north east dumbbell junction with A21 SB. The Analysis does however outline a need for work to offset congestion issues primarily related to the RC at the south eastern dumbbell.
- *Junction 35 Kippings Cross A21 (Hastings Road) / B2017 (Maidstone Road)* – the latest modelling and analysis show there are two potential mitigation solutions that could address local plan growth, in the form of KX10 (primarily based around a new left slip lane from the A21 to the B2017, with widened approaches on other arms), and to tackle wider growth in the RC and include Local Plan issues in KX11 (based around an expanded elongated partially signalised roundabout).

Junctions with Direct Mitigations

As agreed with KCC/NH localised junction modelling has been undertaken to further understand the impacts of the Local Plan and mitigation measures on the operation of the individual junctions. Appropriate industry standard junction modelling software has been utilised, specifically ARCADY for roundabout and LinSig for signalised junctions.

It should be noted that these concept schemes are not intended to represent a preferred package of works or to advocate specific junction designs. The final design solutions would be developed as and when the individual proposals come forward to take account of any changes in traffic patterns and other infrastructure schemes coming forward in intervening years; and to ensure that inclusion of infrastructure for sustainable modes is considered first. They should be reviewed in parallel with an agreed 'Monitor and Manage' process. They nevertheless demonstrate that mitigations can be delivered.

It should be noted that none of the mitigation measures have been subject to a Road Safety Audit at this stage. Following standard processes, the physical mitigation measures should have a stage 1 Road Safety Audit completed before progressing to any further stage of design. As above, the mitigation presented in this report is to demonstrate that the level of development proposed is capable of mitigation. As discussed above, the final design solutions would be developed as and when the individual site proposals come forward. Notwithstanding the need for safety audits, this Note has not identified any safety concerns with the minor works being considered.

Conclusion

In conclusion, the sensitivity testing through the junction modelling and feasibility study set out within this Note demonstrates that the overall Local Plan growth, if accompanied by the appropriate mitigation measures, can be accommodated on the network without causing severe traffic impacts within the Borough. This demonstrates that the evidence base set out in the Transport Modelling report is robust, adequate and proportionate.

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OPERATIONAL MANAGEMENT OPTIONS	DESCRIPTION OF OPERATIONAL MODEL	ADVANTAGES	DISADVANTAGES
MANAGEMENT BY LOCAL CLUBS (ASSET TRANSFER)	<p>Management by user clubs, based on site. Contracted out maintenance and cleaning.</p> <p>Could be managed between individual clubs or by an umbrella organisation, who is responsible for all communal expenditure and collects monthly income from the user clubs, based on their usage pattern and profile.</p> <p>Such an umbrella organisation would for example manage the bookings on the 3G pitch, and those for the function room.</p>	<ul style="list-style-type: none"> • Management by users, so interest in ensuring facilities are looked after and well-maintained. • The sinking fund would be contributed to as part of monthly user/club payments. • A proper legal governance structure would need to be established, together with a revenue model reflecting the local operating partnership. 	<ul style="list-style-type: none"> • TWBC likely to still be responsible for overall site ownership. • TWBC may need to underwrite some maintenance on site or contribute at least some subsidy to assist the voluntary clubs.
	<ul style="list-style-type: none"> • This model can be established as a charity incorporated organisation, with the specific aim of managing these facilities; it therefore has the potential to benefit from NNDR and vat reductions. An example of such an organisation exists at boundary park, Didcot (Vale of White Horse Council). Details of the facility can be found at www.boundarypark.org 		

Next Steps should consider:

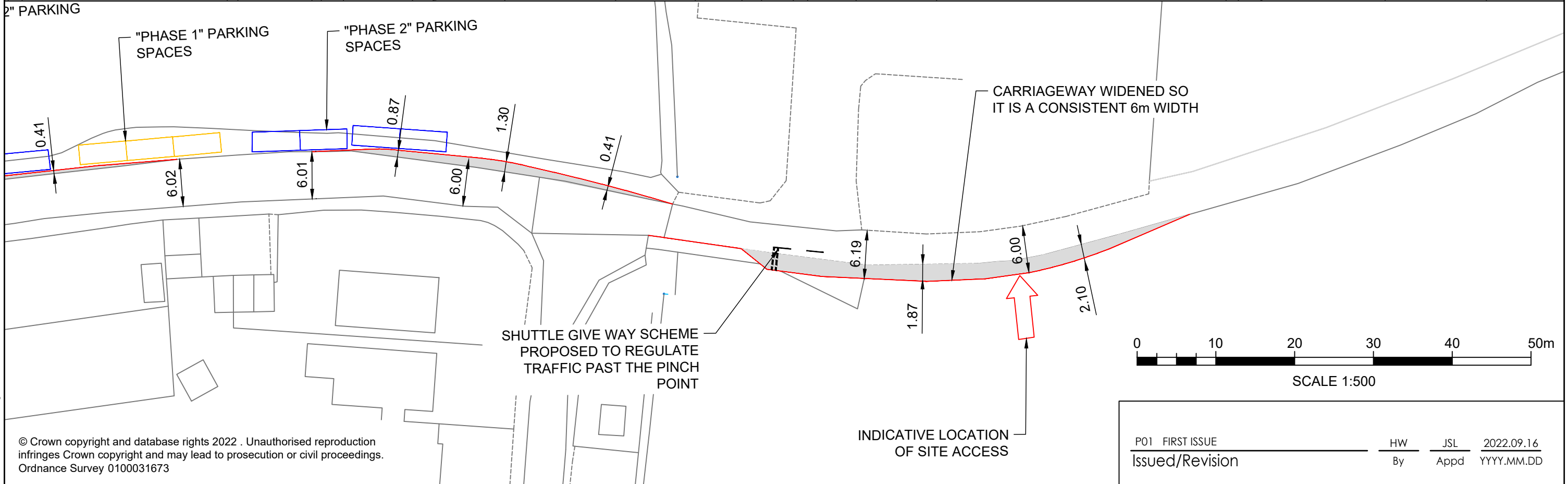
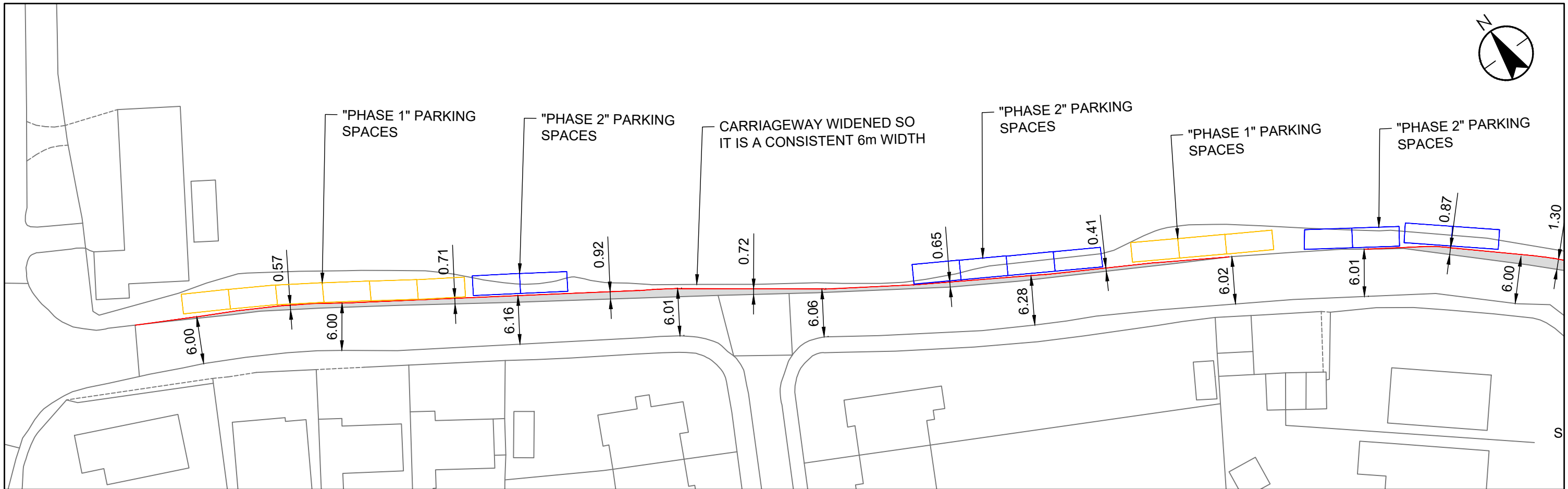
- **Set up Hawkenbury Football Centre of Excellence Partnership Steering Group:**
- **Suggested stakeholders – TWBC, Kent County Football Association, Football Foundation, Tunbridge Wells FC, Other football clubs as appropriate.**
- **Work with Sport England and Playing Pitch strategy Sports Governing Bodies to agree loss of playing pitch sites and agree re provision as part of the PPS refresh 2019.**
- **Ensure project is part of TWBC Local Football Facilities Plan Sept 2019.**
- **Identify how the Hawkenbury Football Centre of Excellence would be developed before the loss of the existing site at Culverden.**
- **Council to negotiate purchase or compulsory purchase of additional land.**
- **Soft market test the management of the Hawkenbury Football Centre of Excellence with its proposed community use facility mix.**
- **Once on site carry out site, topographical and full grounds condition surveys and identification of future costs.**
- **Decide Governance Structures including Grounds Maintenance through the Partnership Steering Group.**
- **Discuss with Tunbridge Wells FC or any other potential leaseholder – business plan, governance structure and possible lease arrangements.**
- **Discuss and finalise usage arrangements of the Community 3G FTP through the Partnership Steering Group.**
- **Final Projected Income and Expenditure.**
- **Funding – consideration of the following:**
 - **Local Authority: Capital Investment, loan or housing development Section 106 funding CIL,**
 - **Discussions with Kent County FA and Football Foundation on availability of capital funding for the project,**
 - **Identification of funding to be provided with timelines to ensure new facilities are in place before development starts on future development sites.**

Appendix 2: Indicative timeline for delivery of Hawkenbury Sports Hub

Procurement																				
Hawkenbury Sports hub																				
Planning application process																				
Sites available for redevelopment (Culverden/Colebrook/Bayham West)																				
Build out																				
Completions Colebrook																				
Completions Culverden																				
Completions Bayhem West																				

			18 - 36 month construction programme until 2029																	

Appendix 3 – Indicative access plan including road widening



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NOTES:

- ALL DIMENSIONS ARE IN METRES UNLESS SPECIFIED OTHERWISE
- DO NOT SCALE FROM THIS DRAWING
- FOR PLANNING PURPOSES ONLY. THIS DRAWING IS INDICATIVE AND SUBJECT TO DETAILED DESIGN

KEY:

- KERB LINE WHEN CARRIAGEWAY WIDENED TO 6m
- NEW CARRIAGEWAY
- "PHASE 1" PARKING SPACES (THESE SPACES COULD BE IMPLEMENTED ON VERGES WHERE INFORMAL PARKING ALREADY TAKES PLACE)
- "PHASE 2" PARKING SPACES (THESE SPACES COULD BE IMPLEMENTED LATER ON WITH THE REMOVAL OF SOME OF THE HEDGEROWS AROUND THE ALLOTMENT)

P01	FIRST ISSUE	HW	JSL	2022.09.16
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Project No.:
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Title
PLAN SHOWING ROAD WIDENING & PARKING OPTIONS

Revision: P01	Date: 2022.09.16	Drawing No. 332410733/300/003
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Appendix 4 – Suggested amended policy wording

Policy AL/RTW 19

Land to the north of Hawkenbury Recreation Ground

This site, as defined on the Royal Tunbridge Wells and Southborough Policies Map (Inset Maps 1a-1d and 2), is allocated for new and enhanced sport and recreation provision as part of a new stadia sports hub, to include standing/seating for supporters, other ancillary structures, and increased parking provision.

Development on the site shall accord with the following requirements:

1. Development is dependent on the football stadium relocating from the current Culverden Stadium subject to allocation Policy AL/RTW 20;
2. Access should be provided via a new safe and suitable access road into the site from High Woods Lane in the vicinity of an historical access opposite the indoor bowling club. Proposals should include localised widening of Halls Hole Road and High Woods Lane between the junction of Bayhall Road/Forest Road and the site access, and other highway improvements as required, as informed by a detailed transport assessment, to facilitate the additional traffic and enable access by bus/coach;
3. Improvements to the local road junctions and crossings within the immediate area, and to other traffic or sustainable transport measures; potentially to include the access junction with High Woods Lane, High Woods Lane/Halls Hole Road, Halls Hole Road/Forest Road, A264 Pembury Road/A264 Calverley Road/Bayhall Road/B2023 Prospect Road, Halls Hole Road/A264 Pembury Road (and/or contributions to junction improvement investigation/implementation on the A264 Pembury Road);
4. Provision of an overspill parking area as well as measures to facilitate and promote public transport and other sustainable transport journeys within a comprehensive traffic/event/car parking management plan should be included within any proposals and demonstration that this can be achieved to the satisfaction of the Local Highway Authority;
5. The provision of improved cycle, pedestrian, and potential bridleway linkages within and beyond the site linking up with other Public Rights of Way, in particular with linkages to the wider town and via High Woods Lane to Pembury, as set out in the

Local Cycling and Walking Infrastructure Plan;

6. Regard shall be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and landscape and visual impact assessment;
7. The layout and design of the scheme to give full consideration of any impact upon the High Weald Area of Outstanding Natural Beauty and the ancient woodland, retaining land to the south east as a landscape and ecological buffer as indicated on the site layout plan;
8. A scheme of lighting shall demonstrate that it would not cause an unacceptable impact on surrounding areas, including residential properties to the west of the site;
9. The provision of an archaeological assessment as part of any planning application;
10. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy STR/RTW 1.

Appendix 5 – Suggested amended wording for Policy AL/RTW 22 – Land at Bayham Sports Field West

Policy AL/RTW 22

Land at Bayham Sports Field West

This site, as defined on the Royal Tunbridge Wells and Southborough Policies Map (Inset Maps 1a-1d and 2), is allocated for residential development providing approximately 20-25 dwellings, of which 40 percent shall be affordable housing.

Development on the site shall accord with the following requirements:

1. Vehicular access to be provided from Bayham Road (the B2169);
2. Pedestrian and cycle access to be provided from the site to Bayham Road, ~~or, if this cannot be achieved, through the grounds of the crematorium located to the north of the site;~~ with an uncontrolled dropped kerb crossing point to be provided as part of any proposed scheme to connect with the new pedestrian link to the southern side of Bayham Road.
3. Planning permission shall only be granted on this site subject to planning permission having been granted for a suitable alternative sporting facility at another site;
4. Implementation of planning permission granted for the development of this site shall occur only once the provision of the alternative sporting facility is operational, or will be operational in time for the start of the following football season;
5. Development shall be located on the areas identified for residential use on the site layout plan;



Kent County Council

TUNBRIDGE WELLS

Bus Feasibility Technical Note





Kent County Council

TUNBRIDGE WELLS

Bus Feasibility Technical Note

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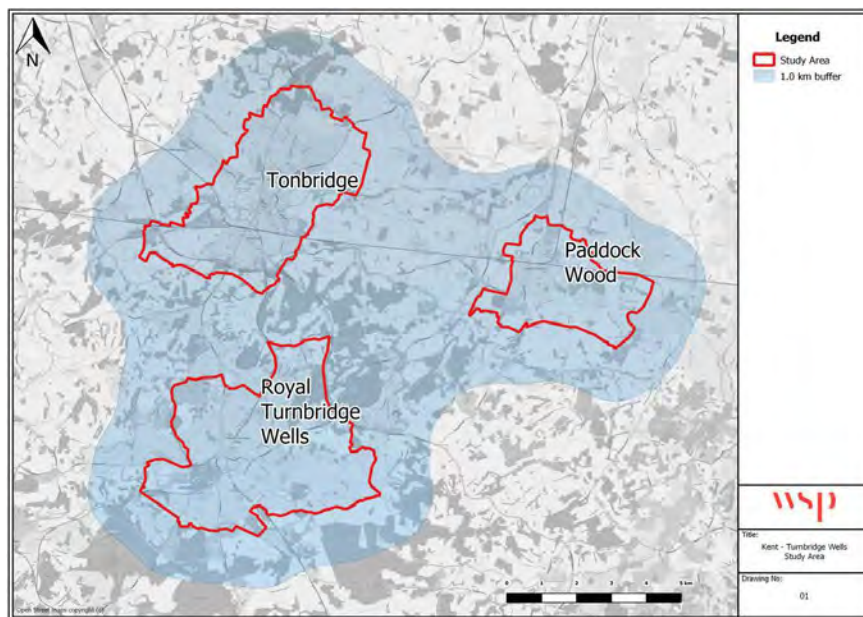
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1 INTRODUCTION

- 1.1.1. WSP has been commissioned by Kent County Council (KCC) and Tunbridge Wells Borough Council (TWBC) to examine the current local bus network operating across the TWBC area and understand how the current local bus network and any subsequent changes to routes, supporting infrastructure, and service levels may support the planned population expansion brought about by the adoption of the Tunbridge Wells Borough Local Plan (2020-2038).
- 1.1.2. While also seeking to identify opportunities for Bus Rapid Transit (BRT) or 'BRT-light' services in the borough the study has specifically focused on three corridors between (and as shown in Figure 1-1 below):
- Paddock Wood – proposed Tudeley Garden Village – Tonbridge Town Centre
 - Royal Tunbridge Wells town centre and Paddock Wood (via the A264)
 - Royal Tunbridge Wells town centre and Tonbridge town centre (via the A26)

Figure 1-1 – Tunbridge Wells Bus Feasibility Study Area



- 1.1.3. The study considers the following aspects of network delivery that may be enhanced through development expansion across the TWBC area:
- Journey time improvements through prioritisation of buses, provision of new routes, and higher frequencies
 - Integration with other modes particularly sustainable options such as rail, cycling, and walking
 - Improved BRT style passenger facilities through examination of best practice in BRT delivery
 - Costing for proposed infrastructure and bus service network improvements
 - Overview of financial viability (considering journey time and resource requirements) and revenue generation (including sensitivity testing to demonstrate the impact of frequency and mode share changes on demand and revenue).

2 STRATEGIC BACKGROUND

2.1 STRATEGIC BACKGROUND – SUMMARY

- 2.1.1. Sustainable travel modes, both bus/public transport and active travel sit at the heart of the 15-year strategic plan as set out by TWBC. Up to 50% of residents remain within the study area daily, of which 40%-45% are of working age, meaning options to increase use of local sustainable travel modes are very important to reduce high levels of congestion and improve air quality both within town centres and on the local highway network.
- 2.1.2. However, several reports reviewed during this work have highlighted current bus service provision to both be limited in attracting more patronage and insufficient to meet the future demands/needs of proposed developments.
- 2.1.3. The average distance to work across the borough is 19.9km (higher than county, regional and national levels). The current mode share of bus for travelling to work is low at only 2% (under county, regional and national levels) and reflects this predominantly low frequency network which is in operation between town pairings. Only the Tonbridge- Royal Tunbridge Wells corridor supports a 15-minute service frequency but is subject to significant peak time congestion due to the current highway layout and capacity limitations.
- 2.1.4. The local area enjoys good rail provision with services focusing on wider access to Central London and the South Coast. However, bus use for travel to/from the local rail stations is c.3%, again attributed to the low levels of bus service frequency and shorter operational span throughout the day (0700-1900 for most services).
- 2.1.5. From the recent Bus Service Improvement Plan (BSIP) consultation, more frequent bus services which operate for longer durations, coupled with improved reliability, and supported by better fares, were identified as the three main factors for encouraging greater bus use. Concerning reliability Tonbridge Town Centre to Royal Tunbridge Wells Town Centre was specifically identified as corridors within this study area where patronage levels and general delay to services meant bus priority is desirable.
- 2.1.6. These findings reflect comments provided by local bus operators who expressed a need for additional services to serve new developments, plus bus priority measures to ensure bus travel is attractive to new residents and helps relieve congestion (current and future) along key routes.
- 2.1.7. The use of local Park & Ride facilities has received moderate support (54% in favour, 2011 consultation) which could be increased using supporting measures such as changes to car parking charging. This study is now eleven years old, and it is recommended that consultation is updated.
- 2.1.8. All the above suggests a need to develop priority bus corridors between the main towns, the demand for which would be further underpinned by the c.13% of residents who travel 2km or less to work and would therefore be very likely to switch to public transport given a suitable offer.
- 2.1.9. These needs are reflected in future aspirations which include development of three high quality, rapid bus/transport links between Paddock Wood, Royal Tunbridge Wells and Tonbridge. To support potential use of these corridors, a range of additional measures are planned to include integration with active travel modes, increased use of demand responsive transport (DRT) services, and the application of Mobility as a Service (MaaS) techniques.

- 2.1.10. Furthermore, new development sites - predominantly in Paddock Wood and including East Capel (c.3,900 homes) and the new Tudeley Garden Village (c.1,900 homes) - have been designed around the concept of walkable neighbourhoods and to position public transport at the centrepiece of each development.
- 2.1.11. Walk distances from new housing to public transport stops should ideally be no further than 400m¹. To maximise the potential of a sustainability-focussed approach, public transport services must be high frequency, high quality, and reliable to ensure permanent mode shift from private car use.
- 2.1.12. Whilst Tudeley Garden Village will be designed to promote and assist sustainable lifestyles, reducing the need to use private car for local and long-distance trips, its proximity to the A21 (a three-minute drive) has been flagged as a key consideration and presents potential limitation for promoting successful modal shift measures, particularly amongst millennial generations who are more used to car use and ownership. General demand for forecasted external trips departing Tudeley Garden Village is approximately 2:1 between Tonbridge (Westbound) and Paddock Wood (Eastbound), which should be reflected in future bus service planning and scheduling.
- 2.1.13. However, capturing general perceptions and travel habits of the younger generations, who are more aligned to non-car modes and use of future technological opportunities, lends strength to the new service proposals incorporating DRT, BRT (Fastrack), MaaS and smart ticketing.
- 2.1.14. Finally, the use of active travel modes to access/egress the local bus network is an opportunity to widen the reach of local services beyond the 'traditional' 400m threshold, but this needs to be reflected within both bus and walking/cycling related policies and related strategies.

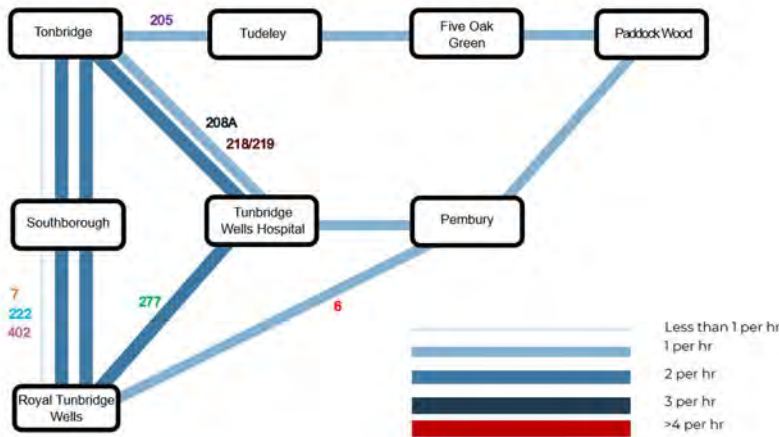
¹ Buses in Urban Developments - Chartered Institution of Highways and Transportation (CIHT)

3 BASELINE PUBLIC TRANSPORT NETWORK

3.1 LOCAL BUS NETWORK

3.1.1. The study area currently supports a network of commercial trunk services at varying frequencies along the main highway corridors including the A21, A26, A228, and A264 in addition to a small number of town circular services operating at high frequencies as shown in Figure 3-1.

Figure 3-1 - Baseline bus network service frequency



- 3.1.2. The bus network across the region operates daily over standard period (typically ranging from 0700 to 2000) with some school day only services, and Monday to Friday only services which serve the corridors except during weekends and public holidays.
- 3.1.3. The major travel generators for these routes are Tunbridge Wells Hospital and Maidstone Hospital, Mascalls Academy Grounds in Paddock Wood, Trinity School and Knole Academy (Sevenoaks), Tunbridge Wells Boys' Grammar School, and schools within Tonbridge.
- 3.1.4. The largest local bus service operator in the area is Arriva Kent and Surrey who operate services 6, 7, 218, 219, 277, and 402 in addition to Royal Tunbridge Wells town services. Additional operators within the study area, or on its fringes, include Autocar (notably route 205 between Tonbridge and Paddock Wood), Nu-Venture, Go Coach Hire, and Metrobus.
- 3.1.5. Services between Tonbridge and Royal Tunbridge Wells operate to a coordinated headway of 15-minutes. However, whilst 40 trips each way operate across a 15-hour period (Monday-Friday) between Tonbridge and Pembury (A21 corridor) these are uncoordinated but do represent the opportunity to provide a coordinated 20-minute headway.
- 3.1.6. Together, all services combine to create a reasonably dense network, particularly on the A21 and A26 corridors that support existing levels of residential occupation, housing stock, and retail and commercial opportunities. Furthermore, these service corridors fall across areas where significant new development is planned (Tudeley, c2,500 homes between Paddock Wood and Tonbridge, and Paddock Wood (including East Capel) with c3,500 homes planned on the town's fringes).
- 3.1.7. The local bus network has been forced to adapt to the challenges presented by the Covid-19 Pandemic. However, it is now recovering with use in most passenger groups at 80%-90% of pre-pandemic levels. Use by older age groups and English National Concessionary Travel Scheme (ENCTS) pass holders has been slower to recover at just 50%-60% of pre-pandemic levels.

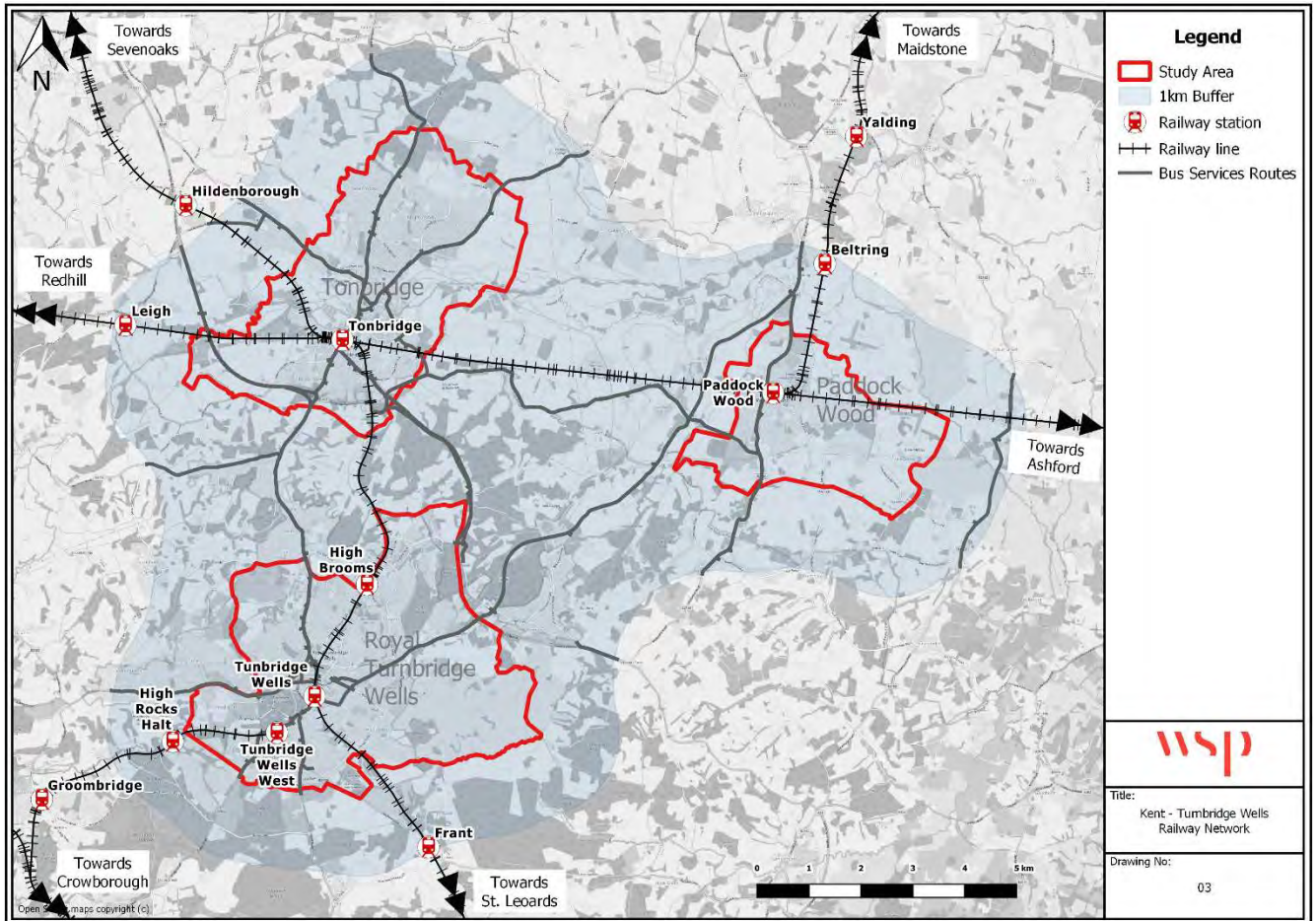
- 3.1.8. Whilst these rates of return to the bus network and the increased use of homeworking by younger and middle age-groups has limited the overall levels of use (and potential growth on some corridors), new developments which will attract a wide range of age-groups and which are developed with embedded sustainability and priority for public and shared transport modes will have the potential to revitalise and increase the overall use of the bus and wider public transport network (e.g., rail). This will be where service levels are high enough and the services provided are reliable enough to ensure a step change in the passenger experience, repeat use, and ongoing loyalty.
- 3.1.9. Whilst it is acknowledged that the bus market has been experiencing significant challenges following the Covid-19 pandemic, and that some services are under review at present, the imperative for reducing carbon emissions remains and sustainable public transport as well as active travel opportunities need to be prioritised in response. It is therefore important that the vision for improved bus services the TWBC area is not lost especially given the funding that will be provided through the Strategic Sites at Tudeley Garden Village and Paddock Wood (including East Capel). It is anticipated that there will continue to be innovation in bus service provision and both TWBC and KCC are committed to undertaking further work with bus operators to deliver sustainable services to support the proposed growth in the Local Plan.
- 3.1.10. With the potential for developments to stimulate further frequency increases (up to every 15-minutes in step with housing build out rates) in Tudeley Garden Village and Paddock Wood (including East Capel), there is a foundation within the current local bus network that would support high frequency operation across nearly all the identified corridors, except Paddock Wood to Royal Tunbridge Wells.
- 3.1.11. This network growth will be needed to support the additional housing developments being proposed and different services scenarios have been modelled with the outputs summarised later in this study. Furthermore, dependent on the current stage of each development there is potential to embed sustainable travel at an early stage through development focused Travel Plans which can be informed by the work conducted within this study (or updated where Travel Plans already exist).
- 3.1.12. The Paddock Wood to Royal Tunbridge Wells corridor has seen service cutbacks which sit juxtaposed to the remainder of the study area network. These have been caused by the more rural nature of the route taken along the A228 and A264 and have occurred even though there is no parallel rail corridor on the alignment between these two principal towns (unlike the A26 and B2017 corridors).
- 3.1.13. Three services operate across this corridor. Arriva Kent and Surrey's service 6 runs hourly from Maidstone to Royal Tunbridge Wells via Paddock Wood and Pembury (including Tunbridge Wells Hospital) and follows slower local roads (e.g., B2160) to ensure smaller communities remain on the service. In addition, the 6X runs fast along the A228 from Paddock Wood to Tunbridge Wells Hospital (every 45 minutes) and extends back to Maidstone Hospital with the service being supported by the NHS Trust. Between Tunbridge Wells Hospital and the town centre bus 277 (Arriva) provides a 30-minute frequency but this operates via local housing areas and has a slow journey time of 32 minutes.
- 3.1.14. Providing viable higher frequencies on the Paddock Wood to Royal Tunbridge Wells corridor will be challenging but could be supported with cross-over between those services provided through Tudeley Garden Village and further supported by the substantial housing being provided in Paddock Wood with a potential new market seeking, local work, leisure, and social opportunities in Royal Tunbridge Wells and who will consider the bus if journey times, and fares were minimised.

3.2 LOCAL AND NATIONAL RAIL NETWORK

3.2.1. Complementing the local bus network, the rail network operates across two rail alignments through the study area (as shown in Figure 3-2):

- The mainline running through Tonbridge and Paddock Wood
- The mainline running through Tonbridge and Royal Tunbridge Wells

Figure 3-2 - Rail Alignments within the study area



3.2.2. With direct rail services to London mainline stations as well as Ashford (International) for Eurostar connections to continental Europe, the study area attracts a high number of resident commuters who use rail services to access employment and education facilities further afield across Kent and in central London.

3.2.3. Working and travel patterns have been dramatically altered following the Covid-19 Pandemic and post-pandemic rail services on some lines in Kent are not seeing more than 40% (September 2021) of pre-pandemic levels at peak travel times. However, there remain a high number of rail services through the study area and recover to 60-80% of pre-pandemic levels are now expected.

3.2.4. Table 3-1 summarises the current peak hour frequency of rail services on each main route alignment.

Table 3-1 - Mainline rail services (peak hour) frequencies within the study area

Station	Route ID	Route	Weekday Peak Hr Frequency	Saturday Peak Hr Frequency	Sunday Peak Hr Frequency
Tonbridge	1	London, Tonbridge, & Ashford (Int'l) to Canterbury West, Folkestone, Dover, Ramsgate, Margate	4	2	1
Tonbridge	3b	Strood to Maidstone West, Paddock Wood, and Tonbridge	2	1	1
Tonbridge	4	London and Sevenoaks to Tonbridge, Royal Tunbridge Wells, Battle and Hastings	6	5	3
Royal Tunbridge Wells	4	London and Sevenoaks to Tonbridge, Royal Tunbridge Wells, Battle and Hastings	4	3	2
Paddock Wood	1	London, Tonbridge, & Ashford (Int'l) to Canterbury West, Folkestone, Dover, Ramsgate, Margate	4	2	1
Paddock Wood	3b	Strood to Maidstone West, Paddock Wood, and Tonbridge	2	1	1

- 3.2.5. The rail network's main role is for travel out of (and returning to) the study area. However, rail services also provide a local travel function with rail stations additionally located at High Brooms (north of Royal Tunbridge Wells town centre) and south / south west of Royal Tunbridge Wells at Royal Tunbridge Wells West and High Rocks Halt respectively.
- 3.2.6. The rail route which parallels bus services between Tonbridge and Royal Tunbridge Wells operates at half the frequency of bus services but completes the end-to-end journey in less than half the bus running time (including a stop at High Brooms).
- 3.2.7. Similarly, the direct services from Tonbridge to Paddock Wood combined to provide three trains per hour (using an uneven headway) and have a journey time which is only 25% of the current end-to-end journey time on bus service 205.
- 3.2.8. Rail fares between Tonbridge and Royal Tunbridge Wells are £4.60 single (£4.80 to £5.50 return) and compares favourably with a day ticket (when used once each way) between the two locations by bus (current costs £5.40 'Adult Day' unlimited travel) and less favourably if the bus is used for multiple trips. With its speed advantage rail could be a preferable mode to bus at current fare levels for a return trip as access to rail stations in each location is central and equitable to the bus and journey times are significantly lower. Bus would compete more effectively with lower journey times.
- 3.2.9. However, as a mode within the study area, rail seems to perform a different role than local bus services with rail offering regional and national travel and being predominantly used to access central London. While rail offers local travel opportunities, local bus has a more appealing offer to residents with stops closer to residential locations as demonstrated by the continued viability of a commercial 15-minute frequency bus corridor at comparable fares to local rail services.

3.3 OTHER SUPPORTING MODES

- 3.3.1. Regarding supporting modes, there are several local taxi firms operating from principal towns across the study area, providing ad-hoc journey opportunities for bespoke travel needs and often at times outside of the core local bus network hours of coverage.
- 3.3.2. The taxi market does potentially compete with the local bus network but may not be a direct substitute for many that would use the bus, and therefore is most likely instead to fulfil trips that are either not catered for by the local bus network or are undertaken by residents who would not consider the current bus network as a viable alternative mode in any event.
- 3.3.3. Several taxi ranks are located across the study area at traditional locations within each town and major trip attractor (e.g., railway stations and hospitals) with a low level of conflict being observed between the taxi market and local bus network.
- 3.3.4. Additional supporting modes are those that focus on active travel, in particular walking and cycling. TWBC has a strong progressive policy regarding the provision and maintenance of cycle lanes across the borough area with several core routes seeing road space being made available to cycles using a combination of 'with traffic' and 'segregated' cycle lanes where space permits.
- 3.3.5. As noted earlier, TWBC is into the second phase of its Local Cycling and Walking Infrastructure Plan (LCWIP) and this outlines a significant increase in the cycle network with increases in localised cycle lanes in the three principal towns within the study area alongside plans for an interurban network of cycle links using a mix of main road and quiet-lane alignments between each town pairing.
- 3.3.6. However, no single source cycle map showing the current cycle network can be located to understand any planned integration between other modes (e.g., bus) and no mention is given to cycle integration with the local public transport network in current documents.
- 3.3.7. It is recommended that the policy of continued inclusion of cycle lanes into bus priority measures is continued with offline cycle lanes and improved walking routes included in any new bus priority features as space allows.

3.4 LOCAL HIGHWAY NETWORK

- 3.4.1. The study area is defined by four main highway routes; the A26 between Tonbridge and Royal Tunbridge Wells; the A21 between Tonbridge and Pembury; the A228 between Paddock Wood and Pembury; and the A264 between Pembury and Royal Tunbridge Wells. A network of B and C roads complete the local highway network and include the B2017 linking Tonbridge to Paddock Wood (and the East Capel area) via Tudeley.
- 3.4.2. Significant assessment relating to the capacity and flow rate of traffic across the highway network within the study area is not within the scope of this report. However, later sections within this report focus on the impact of traffic delays on bus movements across the network and show the widths of all A and B roads within the study area to demonstrate where new bus priority measures (e.g., bus lanes) may be accommodated.
- 3.4.3. However, for the purposes of completeness it can be concluded that main bus services make extensive use of the A26 and B2017 with lesser use made of the A21 and A264. Therefore, there is potential to consider these lesser used roads as part of a BRT approach to the local bus network as journey times may be lowered more significantly, though at the expense of serving smaller communities that may lie away from the main road alignments (e.g., Matfield).

4 BUS PRIORITY IMPROVEMENTS

- 4.1.1. Each corridor in the study area has been reviewed considering different factors:
- Existing and potential bus priority infrastructure
 - Highway width analysis
 - Analyse Bus Open Data service (ABODs)
- 4.1.2. A series of potential interventions and areas of further investigation have been put forward, as summarised in Table 4-2 and detailed in **Appendix A**.
- 4.1.3. To estimate the total journey time savings that could result along each corridor, assumptions regarding the performance of various bus priority measures have been used. Table 4-1 lists a simplified total of interventions along each corridor and the likely journey times savings per bus trip that could be expected as a minimum.

Table 4-1 – Time savings resulting from infrastructure interventions along the corridors considered

Corridor	Approximate length of bus lanes of bus gates proposed	Number of prioritised junctions proposed	Total potential time savings (per journey)
Tonbridge – Paddock Wood	1250m	4	145 sec
Paddock Wood – Pembury	1450m	3	140 sec
Pembury – Royal Tunbridge Wells	2800m	4	285 sec
Royal Tunbridge Wells – Tonbridge	1200m	4	140 sec
Tonbridge – Pembury via Hospital	650m	3	88 sec

Table 4-2 – Proposed bus priority interventions

Schedule Reference	Location	Description
1A.	Tonbridge Rail Station	Potential for further priority bus access measures following currently completed works at the station
1B.	A2014, between A26 and Goldsmith	Sufficient highway width to provide bus lane in one direction (approx. 450m) with consideration of addition cycle measures
1C.	Vauxhall Roundabout	Provide priority at junction either by bus lanes bypassing the roundabout or by introducing MVOA lights
1D.	A26, between Vauxhall Roundabout and Somerhill Roundabout	Sufficient highway width to provide bus lanes in both directions (approx. 800m)
1E.	A228/B2017 junction	Provide priority at junction either by bus lanes bypassing the roundabout or by introducing MOVA lights
1F.	B2017/B2160 junction	Provide priority at junction by introducing MOVA traffic lights
1G.	Paddock Wood Rail Station	Potential to explore traffic management options around the train station to provide bus priority and increase integration between different modes.
2A.	Kipping's Cross Roundabout and Henwood Green Road/A21 junction	Provide priority at junctions by providing MOVA lights or bypassing the junctions
2B.	A21 between Kipping's Cross Roundabout and Hastings Road	Sufficient highway width to provide bus lanes in both direction (approx. 950m). Potential to explore off-carriageway alignment
2C.	Hastings Road, between Canterbury Road and Henwood Green Road	Sufficient highway width to provide bus lanes in one direction (approx. 500m).
2D.	Pembury, along Lower Green Road, Romford Road and Henwood Green Road	Potential to investigate other traffic management interventions, such as one-way systems where these include speed management controls.

Schedule Reference	Location	Description
3A.	A228/Tonbridge Road junction, Pembury	Provide priority at junction by introducing MOVA lights.
3B.	Pembury Road overpass roundabouts	Providing priority at junctions by introducing throughabouts or allowing buses to bypass the junction
3C.	Pembury Road overpass and between Pembury Road overpass and Tonbridge Road	Sufficient highway width to provide bus lanes in both directions, linking to priority at junctions (approx..450m)
3D.	Pembury Road, between Oakley School and Pembury Road overpass roundabout	Sufficient width to provide bus lanes in one direction initially and then in both directions on approach to the roundabout (approx. 300m)
3E.	Pembury Road, between Blackhurst Lane and Oakley School	Area needing further investigation
3F.	A264, between B2249 (Calverley Park Gardens) and Blackhurst Lane	Potential westbound bus lane (approx. 1200m)
3G.	B2249 (Calverley Park Gardens)	Potential westbound bus lane with one lane of eastbound general traffic (approx. 450m)
3H.	B2249 (Calverley Park Gardens) /A264 junction	Provide priority at junction by introducing MOVA lights
3I.	Calverley Road and Monson Road	Potential to introduce timed bus gate or one way bus/general traffic system. (approx. 400m)
3J.	A264, between Crescent Road and Pembury Road	Potential to provide bus priority eastbound by introducing additional traffic restrictions. Dependant on expected eastbound traffic on B2249.
4A.	A264/Mount Pleasant Road junction	Provide junction priority by introducing MOVA system.
4B.	Mount Pleasant Road between Monson Road and Goods Station Road	Existing 9-18 bus gate



Schedule Reference	Location	Description
4C.	Grosvenor Road between Goods Station Road and A26	Potential to extend bus gate (approx. 250m)
4D. & 4E.	A26	Existing bus lanes along the A26
4F.	A26, between Holden Park Road and Speldhurst Road	Provide priority at junctions by introducing set back MOVA lights and bus lanes (approx. 150m)
4G.	A26, between Quarry Hill Road/A26 junction and Mabledon services	Sufficient width to provide southbound bus lane (approx. 800m), with MOVA priority at junctions.
5A.	Tonbridge Road / A21 junction	Provide priority at junction by introducing set back MOVA lights and bus lane on approach (approx. 250m)
5B.	Tonbridge Road, between hospital approach and A228/Tonbridge Road junction	Sufficient width to provide southbound bus lane (approx. 750m), linking to priority junction with MOVA system (see 3A above)

- 4.1.4. In addition to the time savings listed in Table 4-1, current bus timetables and assumed speeds have also been considered, together with the ABODs data.
- 4.1.5. Due to the high-level nature of data analysis at this stage, the potential journey time savings are set conservatively. This is summarised in Table 4-3. All the time savings presented below need to be verified by detailed modelling at a later stage.

Table 4-3 – Assumed Journey Time (JT) and speed improvements

Section	Current Timetabled JT (across end to end corridor)	Average Speed Based on timetabled JTs	Suggested improved JT	Resulting improved speed	% JT Improvement (across end to end corridor)
Tonbridge – Paddock Wood	24 minutes	20.3 mph	20 minutes	24.4 mph	17%
Paddock Wood – Pembury (Direct)	14-18 minutes (17 minutes)	16.7-21.4 mph	14 minutes	21.4 mph	18%
Pembury – Royal Tunbridge Wells	20-30 minutes (24 minutes)	5.5-8.3 mph	20 minutes	8.3 mph	17%
Royal Tunbridge Wells - Tonbridge	23-40 minutes (28 minutes)	8 – 13.9 mph	21 minutes	15.9 mph	25%
Tonbridge – TW Hospital	14-21 minutes (16 minutes)	21.6-31.3 mph	12 minutes	31.3 mph	25%

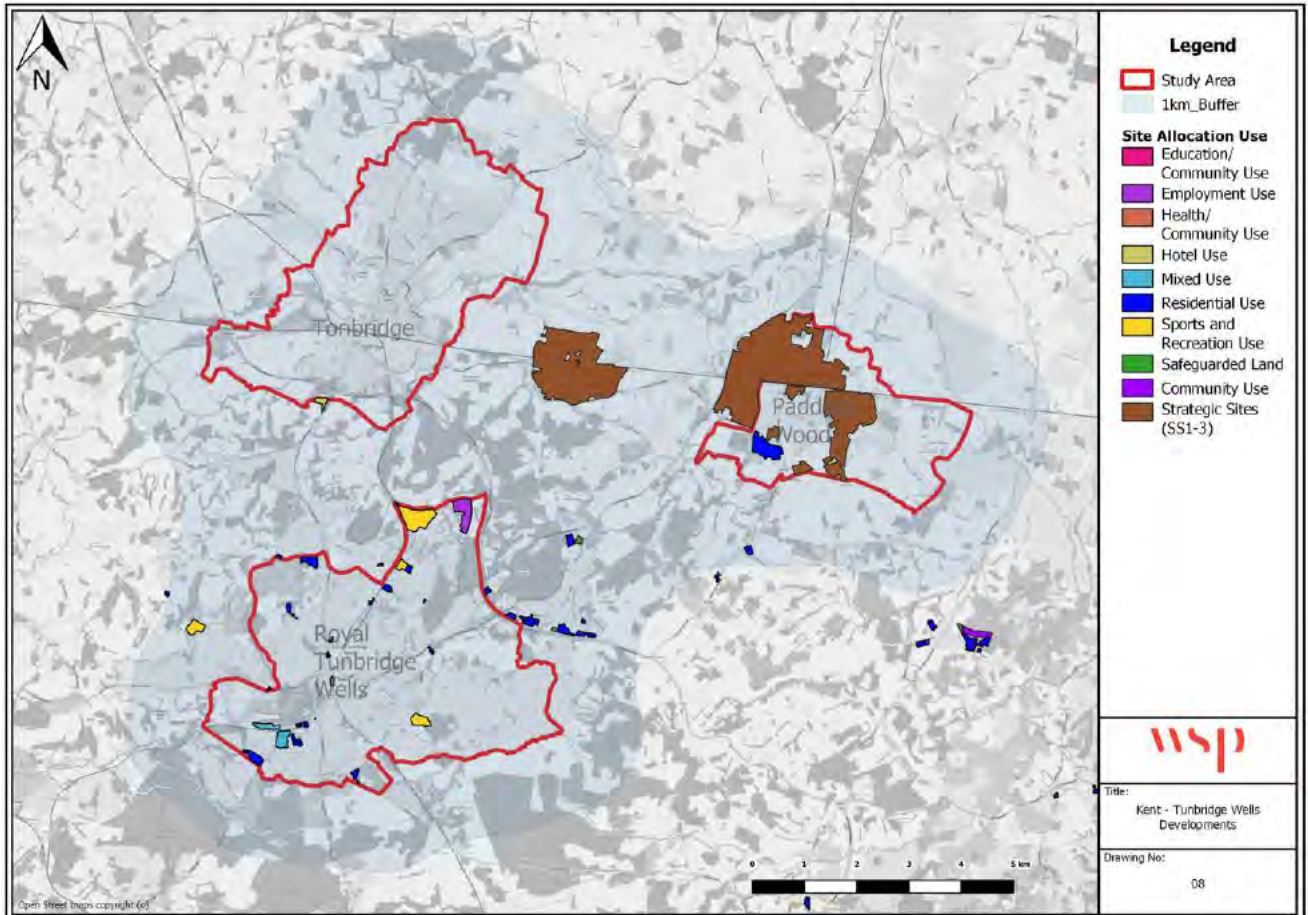
- 4.1.6. Table 4-3 demonstrates the with the proposed mix of bus lane and priority junction improvements implemented across the network where there is capacity, a cumulative time saving effect can be achieved across each corridor which can be translated into journey time savings for each bus trip.
- 4.1.7. Journey time improvements on the Tonbridge to Paddock Wood corridor are more conservative than those outlined in the Tunbridge Wells Fastrack Study. If the higher journey time improvements can be realised under the Fastrack scenario, then there is potential to incrementally increase service frequencies with lower and more efficient use of bus resources.
- 4.1.8. The significant bus lane measures being developed by KCC and additionally within this study for the Pembury to Royal Tunbridge Wells (A264) section are likely to have a significant effect on journey time savings in peak periods.
- 4.1.9. Lower journey time improvements are predicted for the Paddock Wood to Pembury and Royal Tunbridge Wells to Tonbridge sections. The former may benefit from the proposed Col's Hill relief road and linked junction improvements and further off-highway measures could also be considered as a separate feasibility study. The latter corridor is heavily built-up and most viable locations for bus priority measures are either already exploited or now proposed within this study.

5 DEVELOPMENT DEMAND

5.1 DEVELOPMENT OVERVIEW

- 5.1.1. Figure 5-1 highlights the development areas planned across the study area. Each development falls under one of ten categories of development type with most land parcels being allocated to residential development across the study area (either specifically or as part of Strategic Sites).

Figure 5-1 Development locations by type across the study area



- 5.1.2. Each identified area of development will create an element of additional demand on both the strategic road network (SRN) and supporting local roads as well as the local public transport network (bus and rail) and the active travel network of cycle and walking routes.
- 5.1.3. Critical to the levels of additional demand that will be created are the size of each development, its location (proximity) to the SRN and public transport networks, the build-out rates of each development and the approaches to integrate sustainable levels of public and shared transport modes in preference to access for private cars.

5.1.4. The approach that has been adopted for this study has been to evaluate each development and its potential effect on demand for each main corridor within the study area. These are as follows:

- (A) Tonbridge – Paddock Wood (including Tudeley Garden Village)
- (B) Paddock Wood – Pembury (including areas around Tunbridge Wells Hospital)
- (C) Pembury – Royal Tunbridge Wells
- (D) Royal Tunbridge Wells – Tonbridge
- (E) Tonbridge – Pembury (via A21)

5.1.5. Demand for travel between Paddock Wood and Royal Tunbridge Wells and for Tudeley Garden Village to Royal Tunbridge Wells can be derived by combining corridors B / C or corridors A to C.

5.1.6. Table 5-1 outlines by corridor the planned total for local housing development based in housing trajectory information supplied by TWBC. This is given for the base year of 2022/23 and then at five-year intervals to 2037/38 (the last year of information profiled by TWBC). The year-by-year data will be used when generating the likely demand profile for increased public transport (bus) services across the study area.

Table 5-1 Total Housing Development (dwellings) by study area corridor

Corridor	2022/23 (Base)	2027/28	2032/33	2037/38
Tonbridge – Paddock Wood	0	1,483	3,733	5,773
Paddock Wood – Pembury	62	1,234	2,919	4,080
Pembury – Royal Tunbridge Wells	16	675	1,065	1,594
Royal Tunbridge Wells – Tonbridge	-2	558	887	1,271
Tonbridge - Pembury	18	143	328	349

Totals per year not given as some development is counted twice due to overlapping corridor origin / destination pairs

5.1.7. Using the build out information for each corridor, modelling of improved local bus service options that increase frequency across the network to minimum BRT (and BRT-light) standards has been undertaken. This has applied three different mode share scenarios to the network based on 5%, 10% and 15% mode share by bus throughout the development phasing.

5.1.8. The lower 5% figure is based on more recent estimates stated within the Tudeley Garden Village Public Transport Strategy (2019), with these differing from earlier work and estimates that placed a combined bus/rail mode share as high as 17%. The range of mode share options reflects the significant effect that a BRT system (or a BRT-light system) can have on passenger demand levels with the mode seen as being a step-change over traditional bus services and therefore more attractive to potential users who may not choose conventional bus. As the lower 5% figure for mode

share (2019) was based on an upgraded traditional bus service, it is likely that if the same service was delivered using BRT characteristics, then a higher mode share of c10% may be achieved.

5.2 AVERAGE BUS FARES WITHIN THE STUDY AREA

- 5.2.1. Using work undertaken in 2019 through the Tudeley Village Public Transport Study the average adult bus fare used for modelling the potential revenue brought in through new development, and hence a mode share increase for bus, was £2.63. This was based in taking the average of; an adult single ticket; the cost of an adult single ticket from a return ticket; and an adult weekly saver ticket.
- 5.2.2. Using current fare information for adult day, adult 'duo' day, adult 3-day bundle, adult 12-day bundle and an adult week ticket for 2022 we have found an average adult fare of c£2.25. Given that this average is only based on ticket products available both online and from the driver and does not include walk-up single and return fare analysis it is reasonable to retain the 2019 average fare figure of £2.63 but add two annual inflationary increases to provide a proxy for 2022 prices.
- 5.2.3. Based on a RPI increase figure of 2.1% for 2020 and 2.9% for 2021 the assumed average adult fare for modelling purposes has been set at £2.76.

5.3 ADDITIONAL FUNDING THROUGH S106 DEVELOPER CONTRIBUTIONS

- 5.3.1. While most developments across the study area are small in nature and do not attract significant (or any) required developer contributions to the local transport network through s106 payments, two proposed developments designated as Strategic Sites do provide potential funding towards enhanced public transport provision.
- 5.3.2. The significant level of housing development planned around the urban fringes of Paddock Wood and in East Capel with a planned housing increase of c3,900 houses is likely to attract a developer contribution of £3 million for bus service improvements.
- 5.3.3. Similarly, the Tudeley Garden Village development of c2,000 houses (revised down from earlier estimates of c2,500 in 2018) is likely to attract developer contributions through s106 totalling £1.5 million.
- 5.3.4. Both s106 contributions are to be spread across a five-year period and with profiling across this period provide a potential total funding allowance of c£900,000 p.a. towards public transport, and more specifically local bus service improvements linked to the developments.
- 5.3.5. It is recommended that, if not already in place, a robust Travel Plan is needed for inclusion with each development across the TWBC area that ties into the aspirations within the study and the wider sustainable transport network across Kent.
- 5.3.6. This annual figure across a five-year period will be reflected upon through the modelling results and shown as a contribution to off-set costs of operation (after modelled revenue) during the first five years of service operation to ensure a high level of service, commensurate with the growing population of each development, from day one.

6 BUS RAPID TRANSIT CHARACTERISTICS

6.1 BRT BEST PRACTICE SUMMARY

- 6.1.1. Following a review of the Institute for Transportation and Development Policy (ITDP) and Bus Rapid Transit UK (BRTuk) approaches to BRT system evaluation, and a focus on how the scoring system has been adapted to the more unique circumstances found across the country by BRTuk, the characteristics of a typical BRT system can be seen to cover six broad principles.
- 6.1.2. These tenets define a BRT system and should be considered in the planning stage for any BRT or BRT-light approach. A system seeking to ramp up to BRT categorisation in the future should work towards instilling each tenet, at least as a foundation, in its formative years and as a minimum ensuring that 'Basic BRT' characteristics are embedded into the planning and delivery of a new scheme.
- 6.1.3. In summary, the six tenets are:
- Basic BRT characteristics that include as a minimum the segregation of buses from traffic (physical or nominal), junction treatment features as these will have positive impacts on journey time performance and passenger accessibility (level-boarding) – often referred to as 'tram style priority'.
 - Service planning which should be closely related to end-to-end demand and route segment demand, the latter forming the ideal location for services to converge as these will enhance the operational performance of the BRT system and will justify higher service frequencies.
 - Infrastructure attributes that considers the physical features of the system in their broadest sense and include the vehicles (focusing on emissions), station locations (focusing on wider access) and busway quality (focusing on the construction and materials used for the busway itself).
 - Station design and the 'station-bus' interface (from a passenger perspective) that focus on the features relating to the passenger experience of the BRT system and the physical infrastructure at stops/stations to enable maximum accessibility.
 - Quality of Service criteria which ensure a BRT system has a unique identity, setting it apart from traditional bus services while ensuring it can engage and attract passengers in high volume.
 - Integration and Access which focuses on the interaction of BRT with other modes such as other bus services, rail and light rail, walking, cycling and other supporting active travel mode in addition to elements of BRT that ensure the system is seen as universally accessible.
- 6.1.4. These tenets define a BRT system and should be considered in the planning stage for any BRT or BRT-light approach. A system seeking to ramp up to BRT categorisation in the future should work towards instilling each tenet, at least as a foundation, in its formative years and as a minimum ensuring that 'Basic BRT' characteristics are embedded into the planning and delivery of a new scheme.

7 BUS IMPROVEMENTS – OPTION GENERATION

7.1 OVERVIEW AND METHODOLOGY

- 7.1.1. In developing options for a new service pattern, the following objectives were considered:
- Ensuring that the key destinations along the three corridors are connected directly
 - Ensuring that the combined frequency along each corridor is brought up to a BRT (or BRT-light) level with the aim of a ‘turn-up-and-ride’ passenger experience in the medium to long-term
 - Ensuring interchange opportunities are considered and enabled in a legible way at designated hubs
- 7.1.2. Drawing on the summarised information for basic level BRT characteristics and considering the current local bus service network within the study area, this study has developed an initial set of network enhancement scenarios which would be supported by uplifts in local housing levels and consequent higher demand for sustainable travel modes.
- 7.1.3. Using the baseline network, the options build on the observed 15-minute headway already in operation between Tonbridge and Royal Tunbridge Wells and seek to formalise the high number of buses serving the A21 corridor between Tonbridge and Pembury which already have the potential to provide a 20-minute bus service frequency across a 15-hour period (Monday-Friday as a minimum) if coordinated.
- 7.1.4. Whilst the existing corridor between Paddock Wood and Royal Tunbridge Wells via Pembury does see significantly lower levels of frequency with route 6 operating only hourly, the options proposed in this section look to increase frequency levels on this corridor up to every 15-minutes. Between Paddock Wood and Pembury this will be supported through bus use from the substantive developments proposed in the Paddock Wood and Tudeley areas whilst the frequency increase between Pembury and Royal Tunbridge Wells will replicate that already achieved through local bus service 277 but will instead use a direct alignment on the A264 and the proposed bus priority improvements outlined. Direct services between Tonbridge, Tudeley Garden Village, Paddock Wood, and Royal Tunbridge Wells are proposed through the study.
- 7.1.5. Each option proposes different applications for the existing local bus service network. For example, in some options existing services form part of the solution whereas in others, existing services are curtailed at the edge of the study area and new services provide a connection and operate on a bespoke study area network.
- 7.1.6. All options outlined are in their formative stages and have not been discussed in detail with key stakeholders. It is proposed that these options provide an initial basis for a 15-minute network between all principal towns within the study area and form a long-list for cost purposes. The next stages will be a shortlisting of proposed options together with a workshop to fine-tune the proposals and understand the staging that would be needed through intervening years to bring the baseline network up to a 15-minute or better service on each corridor in step with development build-out rates (likely between 2022/23 and 2037/38).
- 7.1.7. Initially four options are proposed and shown in **Appendix B**. These are not exhaustive and any future workshop exercises may generate further options (or iterations of existing options) that can be modelled for their performance and cost.

7.2 OPTION SUMMARY

7.2.1. To provide a summary of each option that has been proposed and analysed, the following details provide a brief overview for each option.

- **Option 1** retains all existing bus services between Tonbridge and Royal Tunbridge Wells to ensure a minimum coordinated 15-minute frequency corridor is achieved. The existing 205 service is increased to run every 15 minutes using two coordinated alignments, one between Tonbridge and Paddock Wood and the other running from Tonbridge via Paddock Wood to Pembury and Tunbridge Wells Hospital. Route 6 would be increased to every 30-minutes between Royal Tunbridge Wells, Pembury, and Paddock Wood and routes 218/219 would start at Tonbridge but extend to Royal Tunbridge Wells via Tunbridge Wells Hospital. This would provide a coordinated 15-minute frequency between each principal town, rail station and hospital with a 15-minute frequency between Pembury and Royal Tunbridge Wells and a mix of coordinated direct (30-minutes) and connectional (30-minutes) services between Paddock Wood and Royal Tunbridge Wells with Pembury as a connection point for some journeys.
- **Option 2** retains all existing bus services between Tonbridge and Royal Tunbridge Wells to ensure a minimum coordinated 15-minute frequency corridor is achieved. The existing 205 service is increased to run every 15 minutes using two coordinated alignments, one between Tonbridge and Paddock Wood and the other running from Tonbridge via Paddock Wood and Pembury to Tunbridge Wells Hospital and Royal Tunbridge Wells town centre. Route 6 would terminate at Paddock Wood and not run in the study area and routes 218/219 would start at Tonbridge but extend to Royal Tunbridge Wells via Tunbridge Wells Hospital. This would provide a coordinated 15-minute frequency between Tonbridge and Paddock Wood, Tonbridge and Royal Tunbridge Wells, and Pembury and Royal Tunbridge Wells but would keep Paddock Wood to Pembury as every 30-minutes.
- **Option 3** sees services 7 and 402 terminate at Tonbridge and replaced by a blue circular line operating every 30-minutes each way (Tonbridge / Royal Tunbridge Wells / Pembury / Hospital / Tonbridge) and a black line running every 30-minutes between Tonbridge / Royal Tunbridge Wells / Pembury / Paddock Wood. The existing 205 service is increased to run every 15 minutes using two coordinated alignments, one between Tonbridge and Paddock Wood and the other running from Tonbridge via Paddock Wood to Pembury. Route 6 would terminate at Paddock Wood and not run in the study area and routes 218/219 would start at Tonbridge and run via the Hospital to Pembury. This would provide a coordinated 15-minute frequency between each principal town, rail station and hospital.
- **Option 4** sees service 402 terminate at Tonbridge but route 7 remain as now and run between Tonbridge and Royal Tunbridge Wells in parallel with a new blue circular line operating every 30-minutes each way (Tonbridge / Royal Tunbridge Wells / Pembury / Hospital / Tonbridge) and a black line running every 30-minutes between Tonbridge / Royal Tunbridge Wells / Pembury / Paddock Wood. The existing 205 service would be replaced by a 30-minute red line two-way circular service running Tonbridge / Paddock Wood / Pembury / Hospital / Tonbridge coordinated with a pink line running every 30-minutes Tonbridge / Paddock Wood / Pembury / Hospital / Royal Tunbridge Wells. Route 6 would terminate at Paddock Wood and not run in the study area and routes 218/219 would be replaced by the combination of red and pink lines. This would provide a coordinated 15-minute frequency between each town, rail station and hospital.

7.3 OPTIONS ASSESSMENT

7.3.1. To assess the developed options, a range of criteria are considered below to enable comparison between different service arrangements. The criteria below are not expected to individually eliminate any options, but to build together an overall picture of how options perform that can then inform the selection of a shortlist.

7.4 INTERCHANGES REQUIRED

7.4.1. Firstly, the range of direct available services in the network are analysed. Table 7-1 outlines the results of this analysis. Overall, the difference between options is minimal, with one interchange required between Tunbridge Wells Hospital and Paddock Wood in Option 3.

Table 7-1 – Interchange requirements between selected trip generators for baseline network and long-listed options

Current Network	Tonbridge	Paddock Wood	Pembury	RTW Hospital	Royal Tunbridge Wells
Tonbridge					
Paddock Wood	direct				
Pembury	interchange	direct			
TW Hospital	direct	direct	direct		
Royal Tunbridge Wells	direct	direct	direct	direct	
Option 1	Tonbridge	Paddock Wood	Pembury	RTW Hospital	Royal Tunbridge Wells
Tonbridge					
Paddock Wood	direct				
Pembury	direct	direct			
TW Hospital	direct	direct	direct		
Royal Tunbridge Wells	direct	direct	direct	direct	
Option 2	Tonbridge	Paddock Wood	Pembury	RTW Hospital	Royal Tunbridge Wells
Tonbridge					
Paddock Wood	direct				
Pembury	direct	direct			
TW Hospital	direct	direct	direct		
Royal Tunbridge Wells	direct	direct	direct	direct	
Option 3	Tonbridge	Paddock Wood	Pembury	RTW Hospital	Royal Tunbridge Wells
Tonbridge					
Paddock Wood	direct				
Pembury	direct	direct			
TW Hospital	direct	interchange	direct		
Royal Tunbridge Wells	direct	direct	direct	direct	
Option 4	Tonbridge	Paddock Wood	Pembury	RTW Hospital	Royal Tunbridge Wells
Tonbridge					
Paddock Wood	direct				
Pembury	direct	direct			
TW Hospital	direct	direct	direct		
Royal Tunbridge Wells	direct	direct	direct	direct	

7.5 FREQUENCY OF DIRECT SERVICES BETWEEN DESTINATIONS

- 7.5.1. Building on the previous criteria, the headway of the direct services available between the trip generators is shown in Table 7-2. This shows the headway of the direct services only, except for Option 3 between Royal Tunbridge Wells and Paddock Wood, where no direct service is available and the given headway reflects the fact that every 15 minutes a service options will be available, with an interchange in Pembury.
- 7.5.2. All options developed lead to a significant improvement to the baseline network level of service. With Options 3 and 4 performing the best overall, with eight out of ten possible trips being served every 15 minutes.

Table 7-2 – Headway of available direct services between trip generators for baseline network and long-listed options

Current	Tonbridge	Paddock Wood	Pembury	RTW Hospital	Royal Tunbridge Wells
Tonbridge					
Paddock Wood	60				
Pembury	60	60			
TW Hospital	20	60	60		
Royal Tunbridge Wells	15	60	60	30	
Option 1	Tonbridge	Paddock Wood	Pembury	RTW Hospital	Royal Tunbridge Wells
Tonbridge					
Paddock Wood	15				
Pembury	30	15			
TW Hospital	20	15	15		
Royal Tunbridge Wells	15	30	15	30	
Option 2	Tonbridge	Paddock Wood	Pembury	RTW Hospital	Royal Tunbridge Wells
Tonbridge					
Paddock Wood	15				
Pembury	30	30			
TW Hospital	20	30	15		
Royal Tunbridge Wells	15	30	15	30	
Option 3	Tonbridge	Paddock Wood	Pembury	RTW Hospital	Royal Tunbridge Wells
Tonbridge					
Paddock Wood	15				
Pembury	15	15			
TW Hospital	15	15	15		
Royal Tunbridge Wells	15	30	15	30	
Option 4	Tonbridge	Paddock Wood	Pembury	RTW Hospital	Royal Tunbridge Wells
Tonbridge					
Paddock Wood	15				
Pembury	15	15			
TW Hospital	15	15	15		
Royal Tunbridge Wells	15	30	15	30	

7.6 HIGH-LEVEL PVR REQUIRED

- 7.6.1. A high-level Peak Vehicle Requirement (PVR) exercise has been undertaken, using available timetable journey times to calculate the full network PVR for each proposed option.
- 7.6.2. The final recommendation for a new operational arrangement will be supported by a range of priority measures to improve the journey times and reliability of BRT services. This means that the resulting journey time savings will have an impact on the PVR for each network.
- 7.6.3. Table 7-3 outlines the resulting PVR for each option compared to the current network. Option 2 performs best, with only four additional vehicles required when additional bus priority measures are considered (and only an additional six PVR with no new bus priority measures).

Table 7-3 – Full network PVRs for baseline network and proposed options

Option	Full Network PVR required	Difference from baseline
Current Network	19	-
Option 1	29	+10
Option 1+	25	+6
Option 2	27	+8
Option 2+	23	+4
Option 3	31	+12
Option 3+	28	+9
Option 4	30	+11
Option 4+	25	+6

Each '+' option shows PVR when new bus priority measures are considered

7.7 OPTIONS ASSESSMENT SUMMARY

- 7.7.1. Table 7-4 summarises options on a RAG scale (Red=1 point, Amber = 2 points, Green = 3 points).

Table 7-4 – Summary of long-list assessment criteria

Criteria	Option 1	Option 2	Option 3	Option 4
Interchange required	Green	Green	Yellow	Green
Headway of direct service	Yellow	Red	Green	Green
PVR	Yellow	Green	Red	Red
Phasing	Green	Green	Yellow	Yellow
Overall Score	10	10	8	9

8 OPTIONS AND UNITISED COSTS

- 8.1.1. This section provides high level unitised costs for the bus priority measures proposed through Section 4 and the local bus service network improvements (to bring services to a minimum BRT / BRT-light level) in Section 7.
- 8.1.2. At this stage all costs should be considered as approximate and subject to further feasibility work where required and pending any further workshop exercise to develop options into a more detailed approach.
- 8.1.3. The costs used for bus priority measures (CAPEX) are based on the higher end of any cost ranges (e.g., per metre costs for bus lane implementation) and it is assumed for this study that operational costs remain static for the local bus service network in future years even though these are likely to be subject to cost uplifts over time due to changes in fuel, staff, and overhead costs (+ or -).
- 8.1.4. The costs for OPEX and Revenue have been generated using WSP's in house operational cost model (for OPEX), with Revenue being shown only for that additional to existing bus service revenue as created by the planned development expansion across the TWBC area and applied to each corridor as outlined later in this section.
- 8.1.5. The model used to develop the relationship between future development phasing and revenue generation is WSP's Public Transport ASSESSMENT model (PTASS). This provides a spreadsheet-based demand and revenue forecast for any service proposals and for this study has been additionally linked to WSP's operational cost model to generate the following results discussed.
- 8.1.6. It is recommended that following this study an options sifting exercise leading to a shortlisting workshop takes place.

8.2 CAPITAL COST ASSESSMENT FOR PRIORITY MEASURES (CAPEX)

- 8.2.1. The following assumptions based on experience and evidence from similar projects have been used to generate high-level costs for the meterage of proposed bus lane and the implantation of AVL / MOVA systems at each identified junction:
- The assumed high-level cost per metre for bus lane installation can range from £1,500 to £3,000 dependent on the complexities of the bus lane installation including any movement of services, realignment of kerb lines, changes to pedestrian crossings, movements of other highway traffic and removal of existing landscaping. For the purposes of this study a cost of £2,250 (the median figure for this range) has been applied per metre to bus lane interventions.
 - The cost per junction to apply AVL / MOVA technology is assumed as £35,500. This cost assumes a four-arm junction, the necessary on-site hardware and software, a limited level of ducting and in-road sensors to detect oncoming buses in addition to telematics to communicate to on-board bus equipment.
- 8.2.2. Table 8-1 applies these costs to the bus priority measures proposed for each corridor, and as detailed earlier in Section 4. It should be noted that where bus lane meterage is noted in Table 4-2 this is for a single direction and, therefore, any bus priority measure that includes a two-way section of bus lane will have the noted meterage doubled to cover the two-way aspect of the improvement.

Table 8-1 – CAPEX estimates for bus priority interventions along the corridors considered

Study Area Corridor	Approx. one-way length of bus lanes / gates proposed (metres)	No. of signalised priority junctions proposed (e.g., AVL / MOVA) (Absolute number)	Estimated corridor cost based on CAPEX assumptions (£)
Tonbridge – Paddock Wood	2,050	4	4,754,000
Paddock Wood – Pembury	2,400	3	5,506,500
Pembury – Royal Tunbridge Wells	3,550	4	8,129,500
Royal Tunbridge Wells – Tonbridge	1,350	4	3,179,500
Tonbridge – Pembury / Hosp	1,000	3	2,356,500
Totals	10,350	18	23,926,500

8.2.3. Table 8-2 brings together the potential CAPEX outlay and the likely journey time savings per bus trip across the corridor. This does not attempt to show a cost per minute saving as the time saved would be on every journey operated through the bus priority improvements and based on a typical day from 0600 to 2359 and at a very high level of assumed frequency (15-minutes) the daily number of bus trips benefiting from the improvements could be as high as 144 trips per day in total across both directions of each corridor.

Table 8-2 CAPEX estimates and potential journey time improvements

Study Area Corridor	CAPEX	JT Saving / trip	Daily JT Saving (based on 144 trips)
Tonbridge – Paddock Wood	4,754,000	4 minutes	576 minutes
Paddock Wood – Pembury	5,506,500	3 minutes	432 minutes
Pembury – Royal Tunbridge Wells	8,129,500	4 minutes	576 minutes
Royal Tunbridge Wells – Tonbridge	3,179,500	7 minutes	1,008 minutes
Tonbridge – Pembury (via Hosp)	2,356,500	4 minutes	576 minutes

8.3 OPERATIONAL COST ESTIMATES (OPEX)

- 8.3.1. Operational costs (OPEX) has been estimated using WSP’s operational cost model. Using inputs for round trip time, estimated speed, period of day (0600 to 2359), service frequency and vehicle type as well as including 10% trip time for layover and a 5% profit margin, an annual cost per vehicle has been estimated.
- 8.3.2. These estimates have been based on each local bus service network option outlined in Section 7 and are based on a 2022/23 base year.
- 8.3.3. Each option (excluding the baseline network scenario) has been run twice; once based on the current road network and level of existing bus priorities; and once with all proposed bus priorities and consequent journey time savings included in the modelling work.
- 8.3.4. Table 8-3 summarises the total annual cost of each optional network with and without all proposed bus priorities being included in the modelling. The peak vehicle requirement (PVR) for each option is also included and average costs per bus are shown and are deemed in line with expectation for a bus operating across an 18-hour day as currently modelled (an industry wide proxy of £150,000 p.a. for a 12-hour day is commonly used).

Table 8-3 OPEX estimates for the current baseline network and each proposed option

Scenario	Cost per Year (£)	Total PVR	Ave. cost per bus per Year
Baseline	4,508,960	19	237,314
Option 1	6,866,714	29	236,783
Option 1 (with all bus priorities)	6,246,626	25	249,865
Option 2	6,393,209	27	236,786
Option 2 (with all bus priorities)	5,773,121	23	251,005
Option 3	7,345,549	31	236,953
Option 3 (with all bus priorities)	6,880,483	28	245,732
Option 4	7,154,992	30	238,500
Option 4 (with all bus priorities)	6,379,882	25	255,195

- 8.3.5. It is notable that in each case the option with all proposed bus priority measures shows a decrease in PVR and consequently operational cost. However, all options and scenarios see PVR increase significantly over the baseline estimates with Options 2 and 4 (with bus priorities) showing the closest PVR and largest decrease with the application of bus priorities respectively.
- 8.3.6. It should be noted that all cost estimates (including the baseline scenario) are modelled based on an 18-hour day (0600 to 2359) and across a seven-day period. This is to ensure that the current baseline can be compared on a level playing field with all proposed options and for the baseline scenario this does overestimate the real-life operational situation.

8.4 REVENUE ESTIMATES DUE TO DEVELOPMENT LEVELS

- 8.4.1. The modelling process has included an estimation of the additional revenue that may potentially be stimulated by new development (housing) taking place across the TWBC area between the base year of 2022/23 and the final model year of 2037/38.
- 8.4.2. For this process WSP has used its in-house PTASS model to simulate the likely revenue generated across the full period (2022/23 to 2037/38) linked to development build-out rates, three levels of potential bus mode share, and a validated average fare of £2.76.
- 8.4.3. We have applied the housing development information supplied by TWBC on a corridor-by-corridor basis to ensure that we capture the correct developments for each network link, and overall, for each proposed network option (including the baseline scenario). The demand forecasting does not include destinations for the estimated demand as this information is not available at this stage.
- 8.4.4. It is important to note that the revenue estimates outlined are those due to the new development only and caused as a factor of estimated mode share for bus, average fare, and build-out rate per year. Any revenue already accrued by the current local bus service network is assumed to remain and change year by year along standard industry lines. This will be considered in 8.5 below.
- 8.4.5. Section 5 has already provided a summary of the assumed development build-out levels on each corridor that has now been applied through the PTASS model in greater year to year detail to ensure that the annual and cumulative revenue generation figures can be understood before setting these against OPEX for each network option proposed.
- 8.4.6. Table 8-4 below summarises the estimated revenue that will be accrued by each network option, again shown with and without all proposed bus priority measures, across the same periods as used in Section 5 earlier.
- 8.4.7. The table also shows revenue based on three mode share scenarios: 5%, 10%, and 15%. Whilst the Tudeley Garden Village Transport Strategy (2019) proposes a revised 5% mode share for bus, this is based on an upgrade of the existing traditional bus service with no other quality enhancements – as such 5% is seen as reasonable albeit a little conservative. However, were the route (and others across the network) improved to the base level BRT standards acknowledged as required for a service or network to be recognised as a BRT by BRTuk then it is reasonable to assume that mode share of 10% as a minimum may be seen across the network with this potentially rising as high as 15% where further quality features embedded and frequencies further improved over time.
- 8.4.8. The resultant Table 8-4 therefore provides a do little, do something, do more (or a low, medium and high) set of results that are seen as guiding future strategy and policy making in this area.

Table 8-4 Annual fare revenue accrued through housing development for each scenario

Scenario	Mode Share	2022/23 (£)	2027/28 (£)	2032/33 (£)	2037/38 (£)
Baseline	5%	20,905	1,056,821	2,259,293	3,257,944
	10%	41,809	2,113,642	4,518,585	6,515,888
	15%	62,714	3,170,463	6,777,878	9,773,833
Option 1	5%	68,622	2,358,817	5,197,987	7,386,154
	10%	137,244	4,717,634	10,395,973	14,772,316
	15%	205,865	7,076,451	15,593,960	22,158,474
Option 1+	5%	68,622	2,358,817	5,197,987	7,386,154
	10%	137,244	4,717,634	10,395,973	14,772,316
	15%	205,865	7,076,451	15,593,960	22,158,474
Option 2	5%	28,630	1,579,664	3,452,221	5,011,208
	10%	57,261	3,159,329	6,904,442	10,022,416
	15%	85,891	4,738,993	10,356,663	15,033,624
Option 2+	5%	28,630	1,579,664	3,452,221	5,011,208
	10%	57,261	3,159,329	6,904,442	10,022,416
	15%	85,891	4,738,993	10,356,663	15,033,624
Option 3	5%	29,085	1,452,873	3,250,673	4,722,406
	10%	58,169	2,905,746	6,501,346	9,444,812
	15%	87,254	4,358,619	9,752,019	14,167,217
Option 3+	5%	29,085	1,452,873	3,250,673	4,722,406
	10%	58,169	2,905,746	6,501,346	9,444,812
	15%	87,254	4,358,619	9,752,019	14,167,217
Option 4	5%	46,808	1,892,552	4,190,019	6,017,585
	10%	93,616	3,785,105	8,380,838	12,035,170
	15%	140,425	5,677,657	12,570,057	18,052,755
Option 4+	5%	46,808	1,892,552	4,190,019	6,017,585
	10%	93,616	3,785,105	8,380,838	12,035,170
	15%	140,425	5,677,657	12,570,057	18,052,755

8.5 OPEX VS REVENUE

- 8.5.1. This section considers how new revenue delivered through development expansion may help to support or make the commercial case for each network scenario over a 15-year period.
- 8.5.2. The information for the baseline network cost in Table 8-3 estimates a current cost of operation, assuming an 18-hour day of c£4.5 million and the utilisation of 19 PVR. If this can be considered as the baseline then any revenue already accrued by the network will either ensure profitable commercial services (e.g., Arriva Kent and Surrey services 7 and 402) and a break-even point for any KCC supported services considered within the baseline (those services shown in Figure 3-1).
- 8.5.3. On this basis, any network improvement will build on the current baseline and, as such, any additional costs and PVR incurred would be the difference between the baseline and the proposed option. It is these additional costs that have been set against the proposed revenue generated by development expansions across the TWBC area to consider how viable each option may be and how long each one may require revenue support for at each mode share level.
- 8.5.4. Table 8-5 outlines the cost differences that should be set against revenue estimates for each option once the baseline costs and PVR are removed.

Table 8-5 Additional cost and PVR for each proposed option over existing baseline figures

Scenario	Cost per year (£)	Total PVR	Cost Difference (£)	PVR Difference
Baseline	4,508,960	19	0	0
Option 1	6,866,714	29	2,357,754	10
Option 1 (with all bus priorities)	6,246,626	25	1,737,666	6
Option 2	6,393,209	27	1,884,249	8
Option 2 (with all bus priorities)	5,773,121	23	1,264,161	4
Option 3	7,345,549	31	2,836,589	12
Option 3 (with all bus priorities)	6,880,483	28	2,371,523	9
Option 4	7,154,992	30	2,646,032	11
Option 4 (with all bus priorities)	6,379,882	25	1,870,922	6

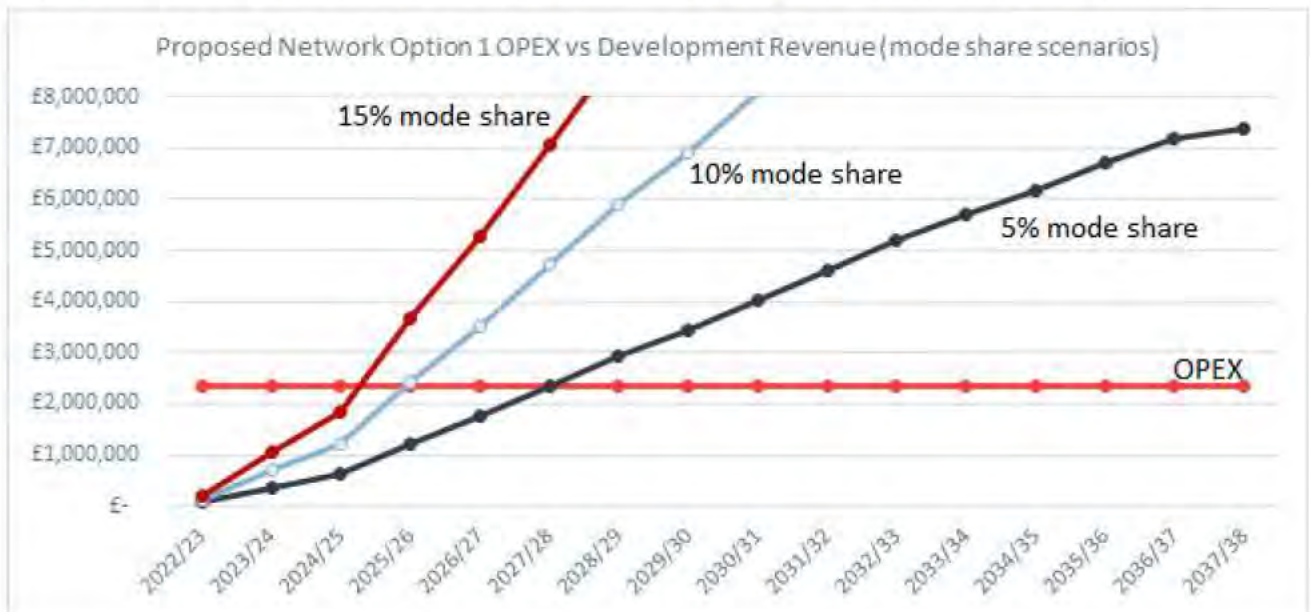
- 8.5.5. The cost difference for each proposed option, with and without the application of full bus priorities are set against the potential new revenue generated by development expansion across the TWBC area at three different mode share levels in Table 8-6.

Table 8-6 Summary of OPEX vs Revenue through housing development per scenario

Scenario	Mode Share	2022/23 (£)	2027/28 (£)	2032/33 (£)	2037/38 (£)
Option 1 OPEX	All	2,357,754	2,357,754	2,357,754	2,357,754
Option 1 Revenue	5%	68,622	2,358,817	5,197,987	7,386,154
	10%	137,244	4,717,634	10,395,973	14,772,316
	15%	205,865	7,076,451	15,593,960	22,158,474
Option 1+ OPEX	All	1,737,666	1,737,666	1,737,666	1,737,666
Option 1+	5%	68,622	2,358,817	5,197,987	7,386,154
	10%	137,244	4,717,634	10,395,973	14,772,316
	15%	205,865	7,076,451	15,593,960	22,158,474
Option2 OPEX	All	1,884,249	1,884,249	1,884,249	1,884,249
Option 2	5%	28,630	1,579,664	3,452,221	5,011,208
	10%	57,261	3,159,329	6,904,442	10,022,416
	15%	85,891	4,738,993	10,356,663	15,033,624
Option 2+ OPEX	All	1,264,161	1,264,161	1,264,161	1,264,161
Option 2+	5%	28,630	1,579,664	3,452,221	5,011,208
	10%	57,261	3,159,329	6,904,442	10,022,416
	15%	85,891	4,738,993	10,356,663	15,033,624
Option 3 OPEX	All	2,836,589	2,836,589	2,836,589	2,836,589
Option 3	5%	29,085	1,452,873	3,250,673	4,722,406
	10%	58,169	2,905,746	6,501,346	9,444,812
	15%	87,254	4,358,619	9,752,019	14,167,217
Option 3+ OPEX	All	2,371,523	2,371,523	2,371,523	2,371,523
Option 3+	5%	29,085	1,452,873	3,250,673	4,722,406
	10%	58,169	2,905,746	6,501,346	9,444,812
	15%	87,254	4,358,619	9,752,019	14,167,217
Option 4 OPEX	All	2,646,032	2,646,032	2,646,032	2,646,032
Option 4	5%	46,808	1,892,552	4,190,019	6,017,585
	10%	93,616	3,785,105	8,380,838	12,035,170
	15%	140,425	5,677,657	12,570,057	18,052,755
Option 4+ OPEX	All	1,870,922	1,870,922	1,870,922	1,870,922
Option 4+	5%	46,808	1,892,552	4,190,019	6,017,585
	10%	93,616	3,785,105	8,380,838	12,035,170
	15%	140,425	5,677,657	12,570,057	18,052,755

- 8.5.6. Table 8-6 demonstrates that at 10% and 15% mode share for bus all options become self-sustainable between 2022/23 and the first review period in 2027/28.
- 8.5.7. At the 5% mode share as assumed in the Tudeley Garden Village transport strategy, only options 1, 1+, 2+, and 4+ become self-sustainable within the first five years. All other options need up to ten years to reach sustainability. With all '+' options requiring the full level of proposed bus priority at a CAPEX spend of c£24 million and a likely delivery period of three to five years from feasibility to opening it is unlikely that any '+' scenario would be sustainable before 2027/28.
- 8.5.8. This leaves option 1 with the potential to become self-sustaining at a 15-minute frequency level across all corridors between 2022/23 and 2027/28 across a daily operational period of 0600-2359. This is based on the planned developments (particularly those at Tudeley Garden Village and Paddock Wood) coming forward as currently profiled by TWBC.
- 8.5.9. The proposed CAPEX spend on bus priorities would make the operation of the option 1 network more attractive to passengers due to lower journey times but does not appear to be critical to the option's sustainability in the short-term.
- 8.5.10. Figure 8-1 shows the 5% mode share output (black) set against 10% mode share (blue) and 15% mode share (red) set over the static OPEX estimate for the operation of option 1 showing the break-even points for all mode share scenarios across the 15-year period. This also assumes that revenue accrued by the baseline network is retained.

Figure 8-1 OPEX vs Revenue for 5%, 10%, and 15% mode share scenarios for option 1



- 8.5.11. Based on the yearly data, option 1 would require decreasing levels of support from 2022/23 to the break-even year of 2027/28 at a 5% mode share. This will total c£7.8m over five years and assumes static OPEX costs which, are likely to show an upward trend through the period leading the potential of a later break-even year and a higher 5+ year support figure.
- 8.5.12. Earlier movement to sustainability shown by higher mode share scenarios are a counterbalance to the argument in 8.5.11. Should a BRT or BRT-light system attract higher mode share figures the likely OPEX increases may still enable option 1 to break even by 2027/28 (e.g., within five years) as the higher revenues accrued through a greater mode share may offset likely OPEX increases.

9 SUMMARY AND NEXT STEPS

9.1 SUMMARY POINTS

- 9.1.1. This Technical Note is a summary of the full Tunbridge Wells Bus Feasibility Study which outlines in greater detail several summarised elements within this Technical Note.
- 9.1.2. The analysis of the local bus network has been conducted within the study area boundaries agreed with KCC and TWBC and has focused on bringing services across main corridors linking Tonbridge, Paddock Wood and Royal Tunbridge Wells up to a potential BRT (or BRT-light) service level.
- 9.1.3. Several strategic policies support improvements to local bus services within the study area and the planned development expansion across the TWBC area will support increases in local bus services, themselves required to ensure new residents have sustainable mode options for local travel and access to rail interchanges throughout the study area.
- 9.1.4. The local bus network is defined as reasonably dense with a good level of commercially viable service on two of the three corridors. Tonbridge / Royal Tunbridge Wells performs at the strongest level whilst services between Paddock Wood and Royal Tunbridge Wells remain infrequent.
- 9.1.5. The study area has excellent rail connections to London and the South Coast from three main stations and connections to these stations is a critical driver for growth of the local bus network and will be supported by the planned development coming forward across the next 15-years.
- 9.1.6. The minimum criteria to deliver BRT have been considered and options for an upgraded local bus network with minimum frequencies on core links of 15-minutes summarised. These have been supplemented by analysis of potential new bus priority measures with a package of improvements combining to provide over 3,000 minutes of journey time savings per day (based on a 15-minute bus frequency / 18-hours per day) at a cost of c£24 million.
- 9.1.7. Four initial network improvement options have been considered and scored based on criteria focusing on interchange, headway, PVR, and phasing. Option 1 scored equally with Option 2 for these criteria ahead of a high-level unitised cost model being applied and linked to housing build-out rates across the study area.
- 9.1.8. All proposed network options (together with improvements due to proposed bus priority measures) were modelled using WSP's in-house operational cost and PTASS models (the latter linking development demand to mode share and likely bus revenue). Modelling concluded that option 1 provided the best opportunity for improved services to become sustainable after a five-year period.
- 9.1.9. However, the likely support cost of c£7.8 million within this period is more than the £4.5 million available over the same period from developer contributions. To aid this, OPEX costs have been set at their highest level (based on a daily 15-minute frequency from 0600-2359) and therefore, OPEX may be lowered by lowering frequency at lower demand periods and days in early years.
- 9.1.10. Further, the funding available through developer contributions is not CAPEX focused and it is unknown at this stage what funding there is to support the potential £24 million CAPEX figure identified for new bus priority measures, though some funding is identified in the IDP.
- 9.1.11. Through the modelling work there is an opportunity to understand the cost of each service within each option allowing KCC and TWBC to choose which corridors to upgrade in a phased approach.

- 9.1.12. The study concludes that the proposed level of development across the TWBC area, and at the Strategic Sites of Tudeley Garden Village and Paddock Wood (including East Capel), will support significant expansion of the local bus service network across all corridors within the study area.
- 9.1.13. It is considered that the level of development planned within the TWBC area will require significant expansion of the bus service network to provide additional capacity to serve the demands created by new development and to deliver an attractive, viable, and sustainable alternative to private car use in line with current KCC policy on sustainable travel strategies.
- 9.1.14. The study undertaken, albeit at a high level initially, demonstrates that there are credible and viable options for public transport available within the TWBC area and that these will support the developments coming forward across the 2022/23 to 2037/38 period.
- 9.1.15. The application of new bus priorities measures will ensure that local bus service improvements move to a higher level of quality and meet those criteria required to be recognised as a BRT system in the medium to long term, replicating the considerable success that KCC has had through its Fastrack BRT system in other areas of the County.
- 9.1.16. A high frequency local bus network, embedded from day one, has the potential to lower private car use across the study area (in particular from new developments such as those at Paddock Wood, East Capel, and Tudeley Garden Village), build on the reasonably dense local bus network already in existence, improve significantly key links between principal towns and provide much higher levels of access to local employment, social and leisure activities for existing and new residents whilst providing an equivalent frequency connection to local rail services which will ensure high levels of multimodal integration and significant mode switch to bus/rail modes.

9.2 NEXT STEPS

- 9.2.1. The next steps are identified as:
- Issue the full feasibility study report to KCC and TWBC for their consideration
 - Outline a process to formerly shortlist likely new bus priority measures and bus network improvement options through a group workshop approach and establish how preferred options can be built-in to future Local Transport Plans and future strategy documents
 - Work up detailed feasibility reports for each corridor with respect to bus priority measures and considering walking and cycling improvements.
 - Engage further with KCC, TWBC, and local bus operators to define in more detail the process to achieve local bus network improvements that meet basic requirements for BRT operation, and which can be phased to keep in step with development build-out rates
 - Regarding the above point – work with stakeholders to establish the likely phasing of any preferred option for bus priorities and a revised bus network to ensure that each are introduced at the ‘key tipping point’ that is often found at each development regarding initial occupation and the requirement for sustainable services to prevent habitual use of private modes being established
 - Understand the current position with Transport Plans for each development across the TWBC area and work closely with all stakeholders (including developers) to establish a robust framework for Travel Plans linked to each development, and as an overarching strategy for the area to link together all sustainable modes

GLOSSARY OF TERMS

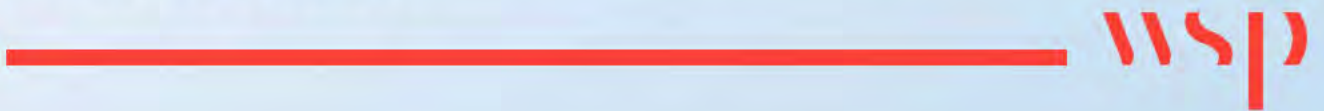
This page provides a brief glossary of technical terms that have been used within the Technical Note.

Term	Explanation
BRT	Bus Rapid Transit – high frequency, often segregated buses - closer in many ways to a tram but faster and cheaper to deliver and more flexible.
BRT Light	Bus Rapid Transit with less infrastructure and less segregation – lower cost and sees a network / route take some BRT concepts to increase service quality.
Section 106 (s106)	Developer funded mitigations (often public transport) to make developments more acceptable in planning terms.
Headway	Frequency is defined in terms of vehicles per hour (e.g., 6 buses per hour), whereas headway is in terms of the time between vehicles (e.g., a bus every 10 minutes).
Frequency	
MaaS	Mobility as a Service integrates various forms of transport and transport-related services into a single, comprehensive, and on-demand mobility service. MaaS offers end-users the added value of accessing mobility through a single application and a single payment channel
PVR	Peak Vehicle Requirement – the maximum number of buses (vehicles) required to operate a service at it's busiest (peak) point. The PVR may only be high for short periods of the day when more buses are needed to deliver the same service due to congestion causing slower trip times for example.
SRN	The strategic road network (SRN) is the biggest and most important piece of road infrastructure in the country. It comprises 4,300 miles of motorways and major A roads.
Traffic Impact Study	A Traffic Impact Study (TIS) studies and documents the likely traffic impacts that any new development may have on public health, safety, and welfare. It is a required part of the planning process of large schemes.
BSIP	Bus Service Improvement Plan – a requirement through Government's National Bus Strategy (March 2021). Every Local Transport Authority (LTA) must have a BSIP in place and link this to an Enhanced Partnership Plan and Scheme. The BSIP sets out the LTAs long term vision for local bus services in their area.
Fastrack	The operational name for BRT systems in Kent.
Park & Ride	A mode of public transport that requires a car park located outside of a main town / city to be connected by a local public transport service, often at very regular intervals and branded as separate to the local public transport system.
E-Ticketing	An electronic ticket is a method of payment and payment validation in electronic (paperless) format. It is increasingly being used across many markets.
LCWIP	Local Cycling and Walking Infrastructure Plan – these are required by all LTAs.

Coordinated Services	Local bus services are deemed as coordinated when an attempt is made to form an even headway between two or more bus services running along the same road. This has the effect of growing demand and works best when common ticketing is allowed across all services.
Interworked Services	This is an operational process that may see a vehicle work on different routes through the day by moving from one service to another at a common terminus.
Supported Service	Commonly this is a service that is not profitable (commercially viable) and therefore needs financial support, often from the LTA but sometimes from other sources, e.g., s106 funding.
Commercial Service	This is a service operated by a local bus company for profit and therefore requires no additional financial support. The local bus operator has complete control over fares, timetable, vehicles, and marketing.
Trunk Service	This is a term commonly used to describe a bus service operating as an integral part of the local bus network and linking two or more main locations. It is trunk because it is a vital link and is likely to have a high frequency level.
ABODS	Analyse Bus Open Data Service is an open database created by the Department for Transport (DfT) to allow data relating to local bus service performance and vehicle location to be shared.
LTN 1/20 Guidance	Guidance for LTAs on designing high quality, safe cycle infrastructure – this, amongst other things, sets minimum measurements for infrastructure.
AVL	Automated Vehicle Location systems such as that provided by MOVA enable buses to be located using GPS tracking. These systems enable real time passenger transport information to function and more recently assist ticket systems with creating the right fare. Data is also used to feed Apps.

Appendix A

PROPOSED BUS PRIORITY MEASURES



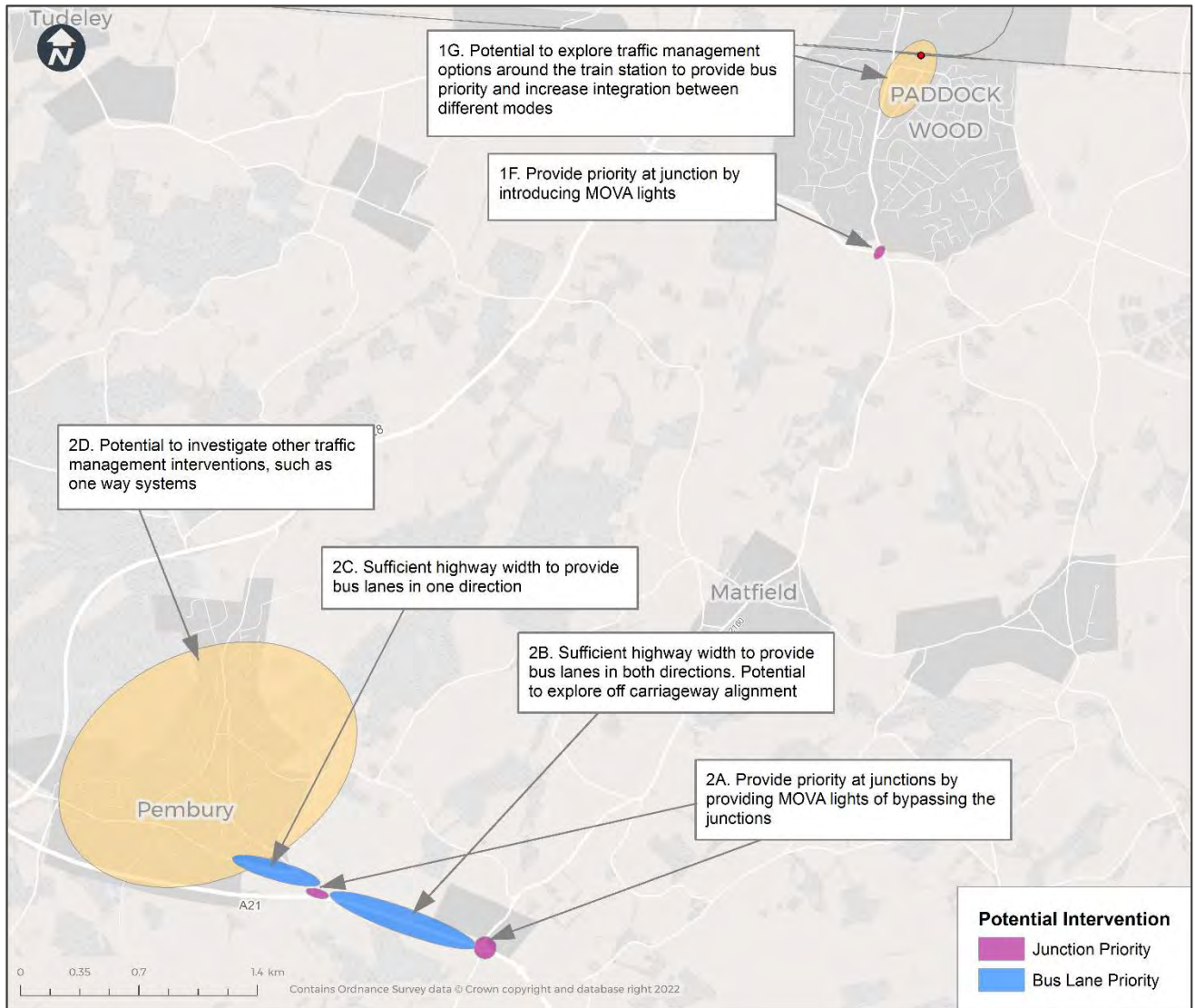
TONBRIDGE TO PADDOCK WOOD CORRIDOR

Potential bus priority interventions between Tonbridge and Paddock Wood



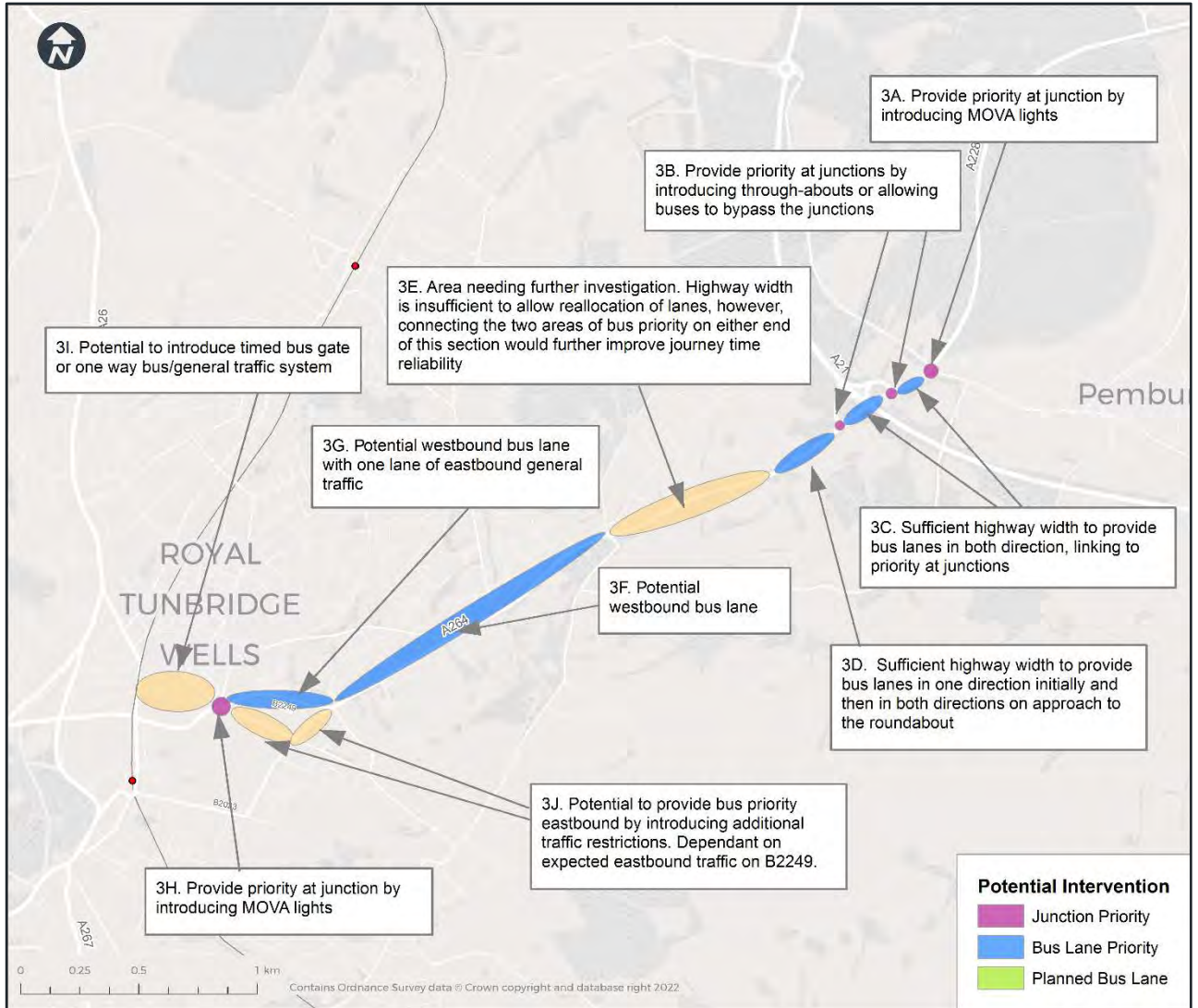
PADDOCK WOOD TO PEMBURY

Potential bus priority interventions between Paddock Wood and Pembury



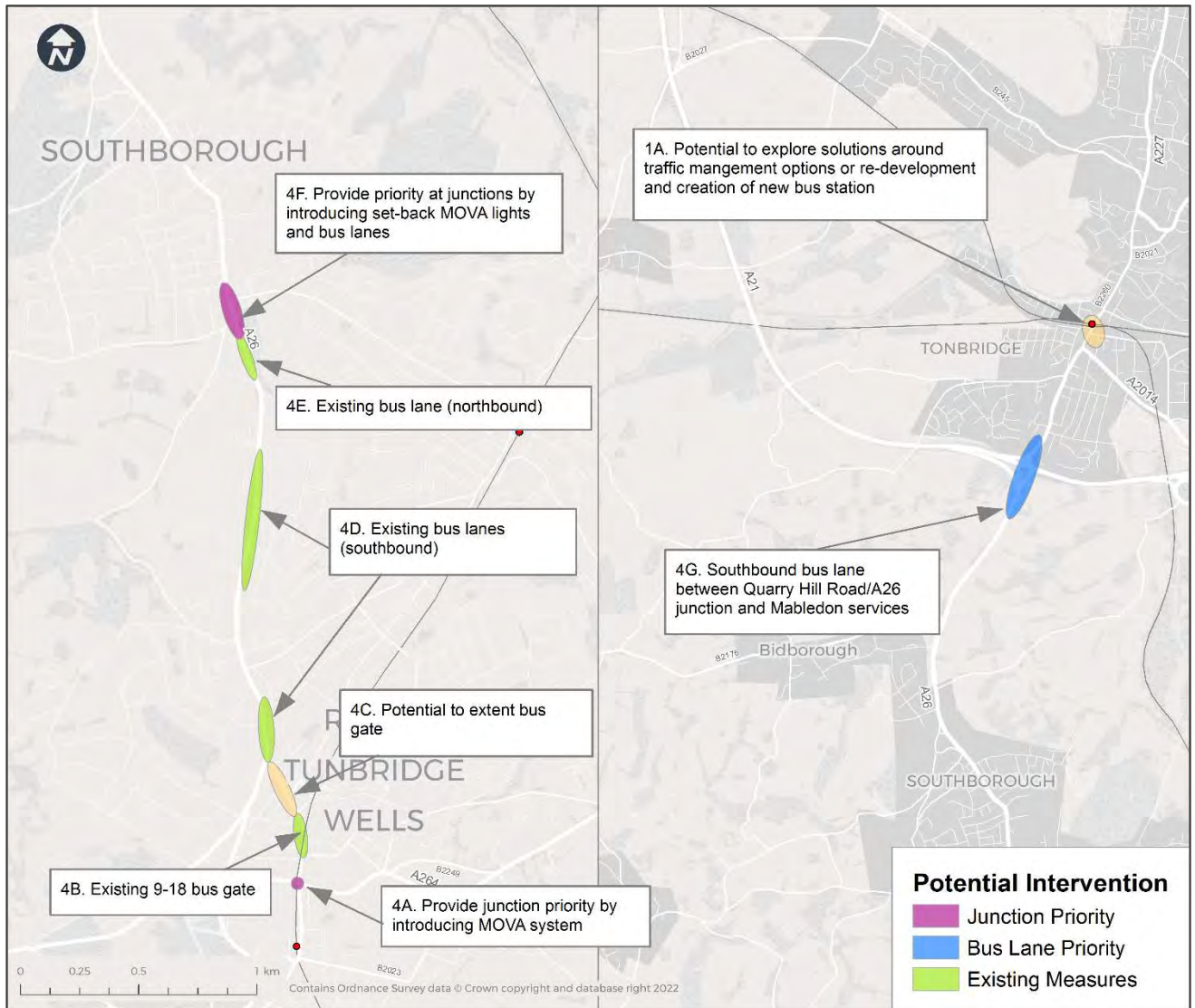
PEMBURY TO ROYAL TUNBRIDGE WELLS

Potential bus priority interventions between Royal Tunbridge Wells and Pembury



ROYAL TUNBRIDGE WELLS TO TONBRIDGE

Proposed bus priority interventions from Royal Tunbridge Wells to Tonbridge



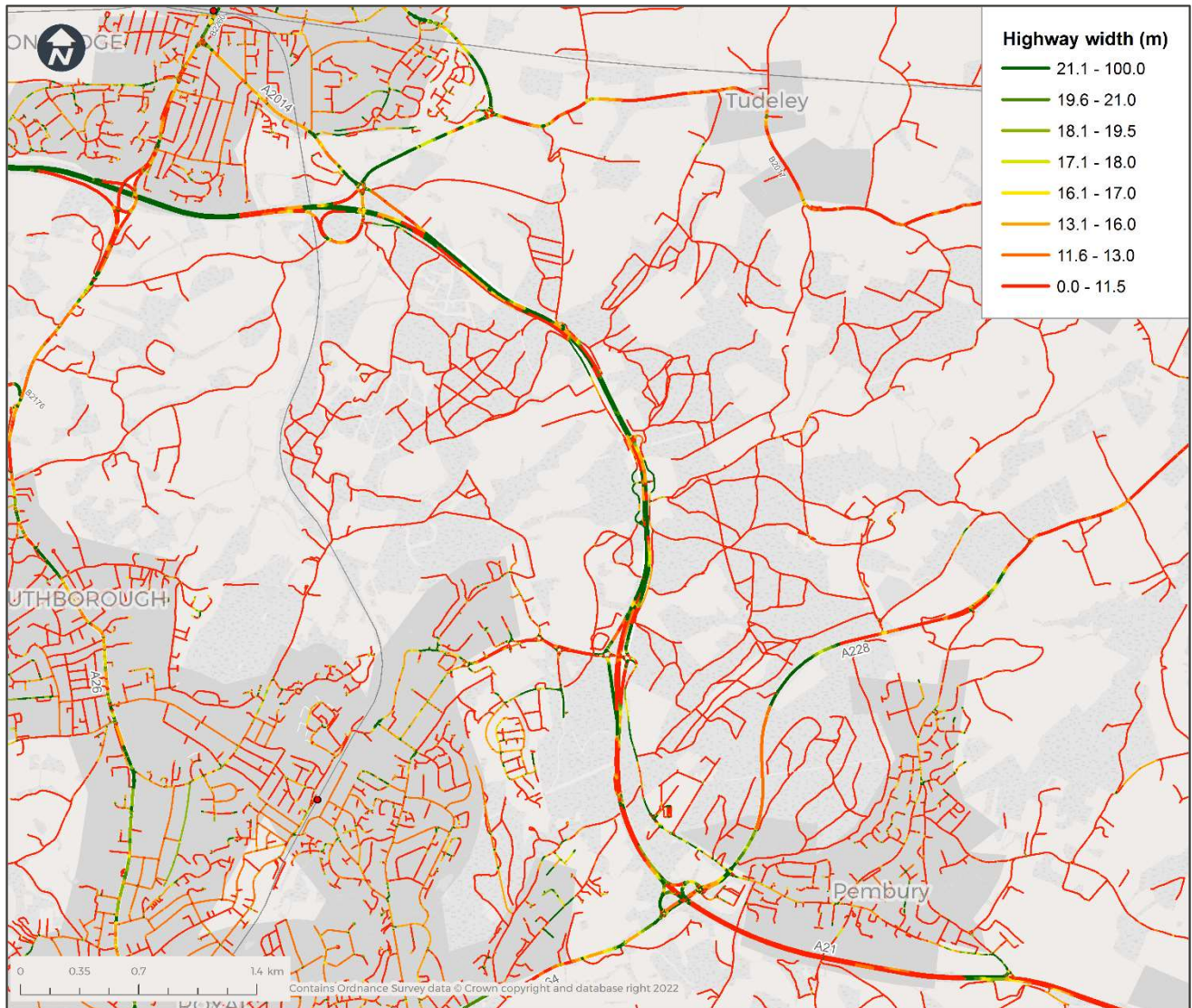
TONBRIDGE TO PEMBURY VIA ROYAL TUNBRIDGE WELLS HOSPITAL

One of the key trip generators in the study area is Tunbridge Wells Hospital, which is currently served by bus routes from Royal Tunbridge Wells, Tonbridge, and Pembury. **Error! Reference source not found.** shows the typical traffic conditions between Tonbridge and Pembury. The key areas of congestions match those discussed in the previous sections (0 and 0) and would be improved by interventions 1A, 1 B and 3A.

The signal crossing just before the junction between A21 and Tonbridge Road can also be modified and expanded to include priority for buses entering the junction, supplemented by a bus lane on approach (intervention 5A).

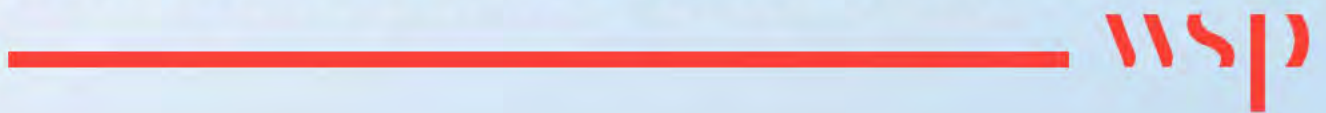
Additionally, **Error! Reference source not found.** indicates there is sufficient highway width capacity to reallocate space to bus priority along Tonbridge Road between the off-traffic cycle lane and the Tonbridge Road/A228 junction (intervention 5B).

Highway widths between Tonbridge and Pembury

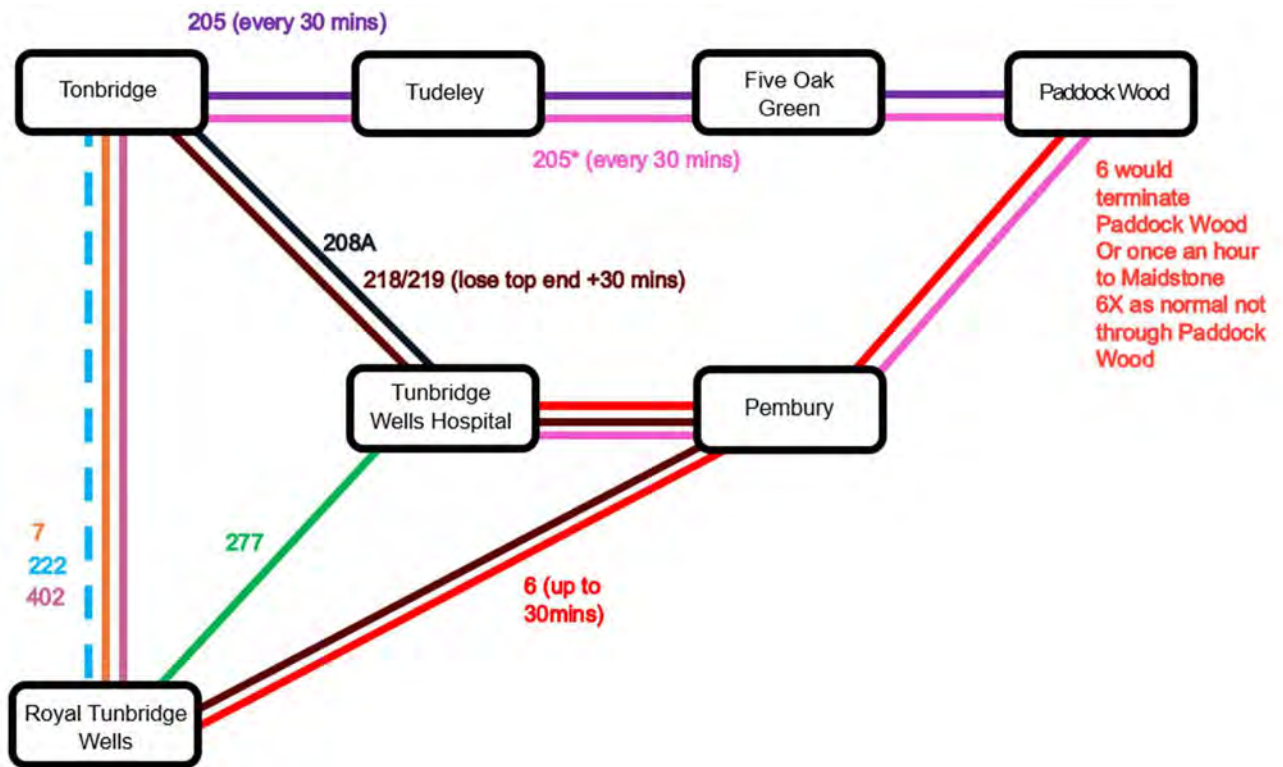


Appendix B

PROPOSED NETWORK OPTIONS



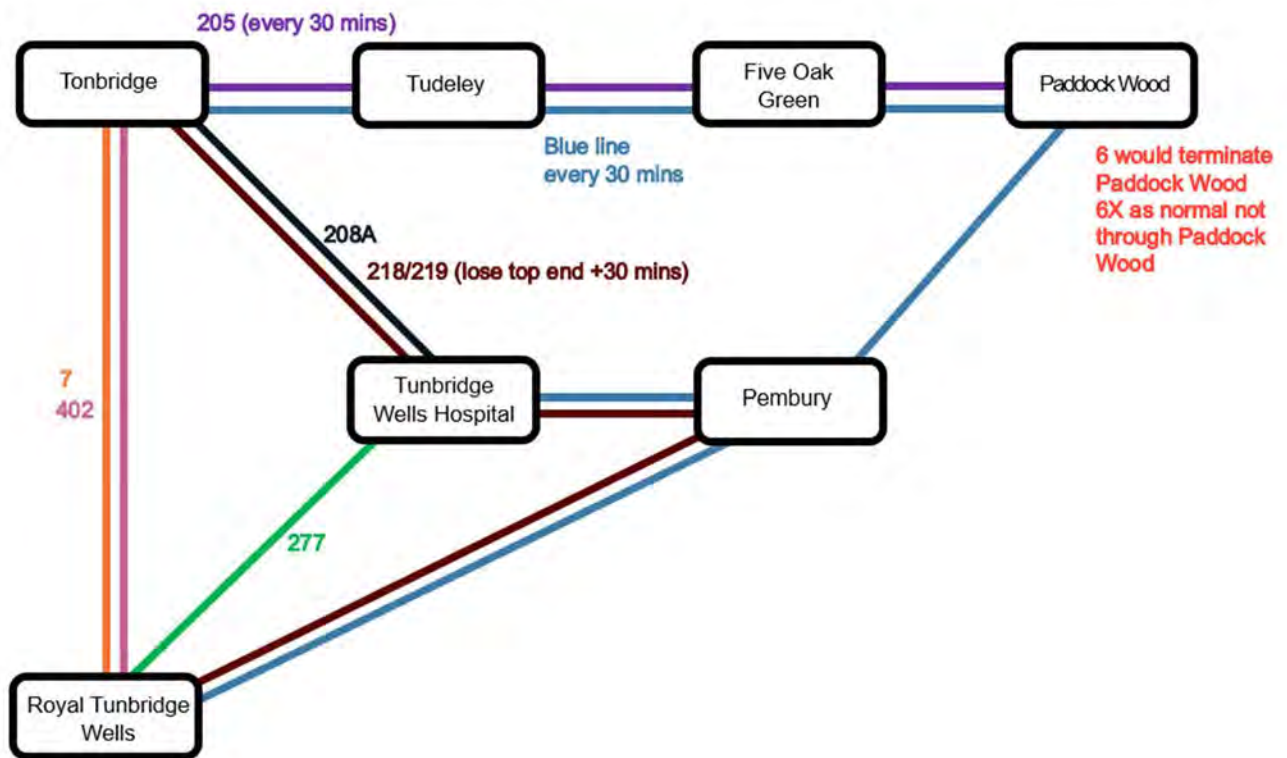
OPTION 1



Option 1 changes to services from baseline network

Service	Changes
7, 222, 402, 277, 208A, 6X	Remain unchanged
6	Increased frequency to twice an hour between Royal Tunbridge Wells and Paddock Wood. Every other service would continue to Maidstone.
218/219	Increased frequency to twice an hour. Does not serve local loop in North Tonbridge, and continues instead along the same route as service no. 6 to Royal Tunbridge Wells via Pembury
205	Increased frequency to twice an hour, with every other service continuing along the same route as service no. 6 to Tunbridge Wells Hospital via Pembury.

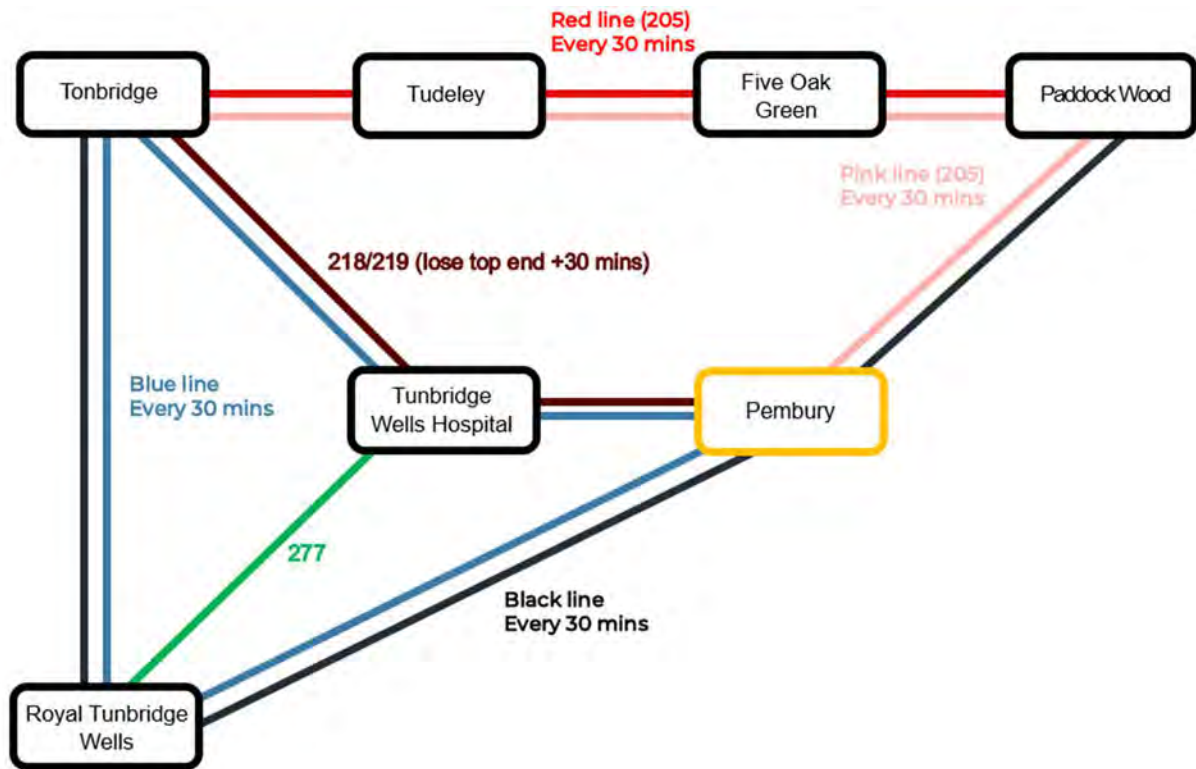
OPTION 2



Option 2 changes to services from baseline network

Service	Changes
7, 222, 402, 277, 208A, 6X	Remain unchanged
6	Would operate only between Paddock Wood and Maidstone.
218/219	Increased frequency to twice an hour. Does not serve local loop in Tonbridge, and continues instead along the same route as service no. 6 to Royal Tunbridge Wells via Pembury
205	Increased frequency to twice an hour.
Blue	New service between Royal Tunbridge Wells, Tunbridge Wells Hospital, Pembury, Paddock Wood, Tonbridge, following the same routes as 6 and 205. Operating every 30 mins.

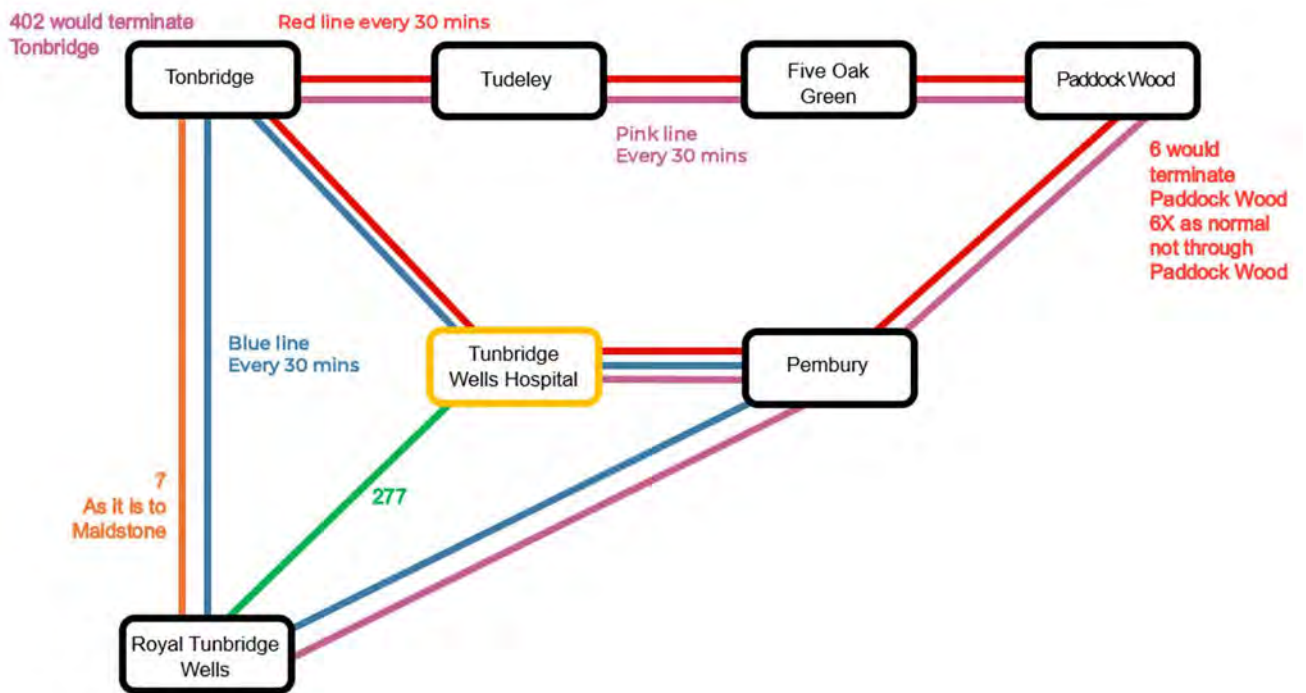
OPTION 3



Option 3 changes to services from baseline network

Service	Changes
222, 277, 208A, 6X	Remain unchanged
7,402	Now terminate in Tonbridge
6	Would operate only between Paddock Wood and Maidstone.
218/219	Retained frequency at twice an hour. Does not serve local loop in Tonbridge
205	Increased frequency to twice an hour. Every other service continues to Pembury
Blue	New loop service between Royal Tunbridge Wells, Pembury, Tunbridge Wells Hospital, and Tonbridge. Operating every 30 mins.
Black	New service between Tonbridge, Royal Tunbridge Wells, Pembury, and Paddock Wood

OPTION 4



Option 4 changes to services from baseline network

Service	Changes
7, 222, 277, 6X, 208A	Remain unchanged
402	Not terminates at Tonbridge, operating only between Sevenoaks and Tonbridge
6	Would operate only between Paddock Wood and Maidstone.
218/219, 205	Replaced by service below
Red	Loop service operating every 30 minutes between Tonbridge, Paddock Wood, Pembury, Tunbridge Wells Hospital
Blue	Loop service operating every 30 minutes between Tonbridge, RTW Hospital, Pembury, Royal Tunbridge Wells
Pink	Service operating every 30 minutes between Tonbridge, Paddock Wood, Pembury, RTW Hospital, Pembury



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Growth, Environment & Transport

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Ask for: Simon Jones
Email: Simon.Jones@kent.gov.uk

BY EMAIL ONLY

31 May 2024

Dear Charlotte,

Re: Written Statement to the Tunbridge Wells Local Plan Examination – Stage 3 Matters, Issues and Questions

Thank you for inviting Kent County Council (KCC) to submit a Written Statement to the Examination of the Tunbridge Wells Local Plan. The County Council, as **Local Highway Authority** provides the following response in respect of the Matters Issues and Questions (MIQ).

Matter 2 – The Strategy for Royal Tunbridge Wells and Southborough

Issue 3 Hawkenbury Recreation Ground, Royal Tunbridge Wells – Policy AL/RTW19

Q2. Does the additional information in Examination Document TWLP_092 demonstrate that a safe and suitable access can be achieved for all users and that sufficient on and off-site car parking can be provided to serve the development?

The County Council agrees subject to the highway improvements set out in Appendix 4 of the Hawkenbury Action Plan (Appendix A).

Q3. Does the additional information demonstrate that the site is deliverable?

The County Council agrees subject to the highway improvements set out in Appendix 4 of the Hawkenbury Action Plan.

Q4. What changes (if any) are necessary to Policy AL/RTW19 to ensure that the Plan is sound?

The County Council draws attention to Appendix A of this response - Appendix 4 of the Hawkenbury Action Plan which can be found using this link:

Matter 3 – The Strategy for Tudeley Village

Issue 1 – Location and Accessibility

Q1. How does the additional information produced since the Stage 2 hearings address the Inspector's Initial Findings around the effects of the allocation on Tonbridge town centre and relevant 'hotspots' on the highway network? Could potential impacts be cost effectively mitigated to an acceptable degree and would the residual cumulative impacts be severe?

The revised Local Plan Development Strategy no longer includes the Tudeley allocation, however additional evidence has been provided since the Stage 2 hearings in the form of the Tunbridge Wells Bus Feasibility Study (Appendix B)

The Local Plan Development Strategy includes for a Paddock Wood town bus service connecting the residential areas, both existing and proposed, with the key attractors in the town including Paddock Wood train station. This will help to achieve modal shift for local journeys but also provide easier access to the station for longer distance trips. The rail service from Paddock Wood connects to Tonbridge town centre and onwards into London.

Inter urban bus service upgrades and including a new high quality, high frequency bus service between Tonbridge, Royal Tunbridge Wells, Pembury and Paddock Wood are also included in the Development Strategy. This combined with the LCWiP will provide alternative modes of travel to the private car allowing modal shift. A Monitor and Manage Strategy is being developed which will seek to measure the effectiveness of the sustainable transport measures throughout the plan period.

A strategic transport model has been developed by Sweco. Hotspots have been identified following the modelling of the revised Development Strategy. No hotspot locations were identified in Tonbridge town centre.

Q2. What allowance has been made for modal shift to walking, cycling and use of public transport? Is the evidence supporting the Plan justified and does it demonstrate that the allocation could be made sound?

The Infrastructure Delivery Plan includes for a host of measures and new infrastructure to support sustainable travel and modal shift reducing the impact of the Local Plan growth on the highway network.

The removal of Tudeley Village from the Local Plan further reduces the impact of Local Plan growth on Tonbridge and this has been assessed by Sweco in their Strategic Transport Assessment work. Where hotspots are identified mitigation is proposed for delivery subject to the Monitor and Manage Strategy.

Issue 2 – Five Oak Green Bypass

Q1. *The Council's position (as set out in paragraph 3.39 of Examination Document PS_054) is that "...the bypass would be necessary to accommodate the traffic generated by the new settlement, when developed alongside the major expansion of Paddock Wood." What evidence is there to demonstrate that the expansion of Paddock Wood would therefore remain acceptable without a bypass of Five Oak Green?*

Sweco have developed a transport model which identifies the impacts of the local plan growth on the surrounding road network. The impact on Five Oak Green and the B2017 is reported in the PS59 Local Junction Capacity Sensitivity Testing Technical Note prepared by Sweco dated 28.11.23 (Appendix C) with the following conclusions:

"Although the data analysis shows that congestion rises along the B2017 through Five Oak Green link in the Local Plan scenario, the demand is not seen as being of a level to justify a major expansion in link capacity or a new link road such as the Five Oak Green bypass that was previously considered . However, it is recommended that consideration be given to the implementation of enhanced traffic management through the area to better support the flow of vehicles whilst also integrating this with enhanced infrastructure for people walking, wheeling and cycling in the area to enable them to safely travel along and across the link. More broadly the sustainable transport measures should be designed to maximise accessibility to Paddock Wood rail services to reduce the need for car travel on this link. The design and implementation of such measures would be expected to be linked to Travel Plans and Monitor and Manage agreements for all major Local Plan developments in the wider Paddock Wood area." (Page 7 paragraph 4)

Whilst the B2017 is not identified as a collision hotspot and the removal of the Tudeley Village allocation from the development strategy reduces the stress on the route, KCC Highways remain concerned that the B2017 is predicted to be at full capacity in the LPMS scenario during the AM peak. It is recommended that schemes to relieve traffic pressures on the B2017 are brought forward and included in the design for the Colts Hill Bypass and the Badsell Roundabout improvement scheme. Additionally, the route should be included in the Monitor and Manage Strategy to review capacity and safety.

Q3. *Have further options been considered for the alignment of the route? Could the same transport infrastructure be provided in another way, for example?*

With the removal of the Tudeley Village allocation, the traffic demand generated by the Local Plan growth is reduced. It is recommended that the B2017 through Five Oak Green and onwards to the Sommerhill Roundabout is included in the Monitor and Manage Strategy to monitor the impact along the route in terms of highway capacity and safety.

The route of the previously proposed Five Oak Green bypass could be realigned so that its junction with the B2017 is located further east of the primary school.

Q4. *In responding to the Inspector's Initial Findings, Examination Document PS_039 states that highway safety, noise and air quality concerns around Capel Primary School are valid and would require additional work to address them. Has this additional work been carried out?*

The B2017 in the vicinity of Capel Primary School has not been identified as a crash site, however KCC Highway Improvements Team have enhanced safety in this area by providing wig wag signals for the school and speed indicator devices in the village on the B2017.

Issue 3 – Wider Infrastructure Provision

Q2. If Tudeley Village is deleted from the Plan, what highways infrastructure would be needed in Tudeley and along the B2017 from the remaining growth proposed around Paddock Wood? Is this deliverable and viable?

Sweco have developed a transport model which identifies the impacts of the local plan growth on the surrounding road network without the Tudeley Village allocation. The junctions each end of the B2017, namely B2017/A26/Tudeley Lane (Summerhill Roundabout) and B2017/A228/Badsell Road are identified as hotspots and highway mitigation is proposed through the Local Plan strategy.

The impact on Tudeley and the B2017 is included in PS 059 Local Junction Capacity Sensitivity Testing Technical Note prepared by Sweco dated 28.11.23 (Appendix C). This Technical Note concludes that:

"Although the data analysis shows that congestion rises along the B2017 through Five Oak Green link in the Local Plan scenario, the demand is not seen as being of a level to justify a major expansion in link capacity or a new link road such as the Five Oak Green bypass that was previously considered. However, it is recommended that consideration be given to the implementation of enhanced traffic management through the area to better support the flow of vehicles whilst also integrating this with enhanced infrastructure for people walking, wheeling and cycling in the area to enable them to safely travel along and across the link. More broadly the sustainable transport measures should be designed to maximise accessibility to Paddock Wood rail services to reduce the need for car travel on this link. The design and implementation of such measures would be expected to be linked to Travel Plans and Monitor and Manage agreements for all major Local Plan developments in the wider Paddock Wood area." Page 7 Paragraph 4

Whilst the B2017 is not identified as a collision hotspot and the removal of the Tudeley Village allocation from the development strategy reduces the stress on the route, KCC Highways remain concerned that the B2017 is predicted to be at full capacity in the LPMS scenario during the AM peak. It is recommended that schemes to relieve traffic pressures on the B2017 are brought forward and included in the design for the Colts Hill Bypass and the Badsell Roundabout improvement scheme. Additionally, the route should be included in the Monitor and Manage Strategy to review capacity and safety.

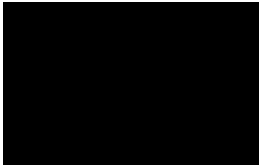
Q3. Without the allocation of Tudeley Village, can the Plan deliver the necessary wider upgrades the highway network, such as the Colts Hill Bypass?

The Local Plan strategy includes for the delivery of the Colts Hill Bypass which would effectively address the capacity issues along the A228 through Colts Hill. KCC are keen to work with the Borough Council to deliver the Colts Hill bypass which has been a long term

aspiration for KCC and has historically been included in the Local Transport Plan for Kent. The delivery of such a scheme through the Local Plan is very much a positive for KCC.

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

Yours sincerely



Simon Jones

Corporate Director of Growth, Environment and Transport

Enc.

[Appendix A:](#) Appendix 4 of the Hawkenbury Action Plan

[Appendix B:](#) Tunbridge Wells Bus Feasibility Report

[Appendix C:](#) Junction Capacity Sensitivity Testing Technical Note prepared by Sweco dated 28.11.23

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**Growth, Environment
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BY EMAIL ONLY

31 May 2024

Dear Robin,

Re: Outline planning application with all matters reserved (except for access) for development of land to west of Hermitage Lane and East of Kiln Barn Road [application reference: 24/00372/PA]

Thank you for consulting Kent County Council (hereby referred to as the 'County Council') on the outline planning application for a residential-led development including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure.

The County Council has reviewed the application documents and sets out its comments below.

Highways and Transportation

The County Council, as Local Highway Authority, has reviewed the application and provides the following commentary:

There are two details missing from the appendices for Transport Assessment (TA) Vol 5 – Multi Modal Assessment; these are Aspirational Scenario Demand Forecast (labelled Appendix B) and Historic Trends Worksheets (labelled Appendix D). The County Council would ask that this information be supplied to enable the application to be fully assessed.

Access

Development access is proposed to be via two points on Hermitage Lane, with another access point on Kiln Barn Road.

Drawings 22-031/029, 22-031/030 and 22-031/031 provide details of the expected access arrangements to and from the development which complies with Kent Design Guide - Designing for Movement.

The detailed access and mitigation drawings (22-031-047, 22-031-100, 22-031-102 to 109) should be reviewed through a Stage 1 Road Safety Audit along with designer's comments, to ensure that no unforeseen safety issues are identified with the designs.

Where raised tables are proposed, consideration will need to be given to ensure these measures are suitable on any possible bus routes.

All proposed mitigation schemes should be delivered via a S278 Agreement and at an appropriate time depending on the phased build-out of the development.

Transport Assessment Volume 4 – Sustainable Travel Strategy

The County Council has been investigating measures to tackle congestion by improving highway capacity at A20/ Hall Road in accordance with Local Transport Plan (LTP) and district policies. A roundabout option has been discounted following public consultation and an enhanced signal scheme can only bring limited benefits. An alternative to provide a secondary 'all modes' access to Quarry Wood would require a link through land within the ownership of the applicant. Given the aspiration at paragraph 2.1.7 of the Transport Assessment Volume 4 to "integrate with and provide benefits to the wider community", the County Council would wish to understand how the development will facilitate provision of this link for vehicles as well as pedestrians and bicycles.

Details of any proposed bus strategy should be identified at this stage to ensure that a commercial operator is willing to take on a route, or a discussion will need to take place with the County Council's Passenger Transport Team, as a S106 contribution may be required, and over a period of time, to make the route viable. It is not desirable to have a bus gate on a route with an infrequent bus service. As part of the TA, the applicant mentions improving connectivity to Kings Hill from the development, however, details of an intended service should be shared. There are only three buses (outside of school services) per day running to Kings Hill and a substantial improvement will be required to create improved permeability, to the extent shown on the RAG review.

Paragraph 4.6.11 identifies that discounted / free bus travel for residents would need to be provided. This detail will need to be confirmed and conditioned.

All matters regarding Public Rights of Way (PRoW) must be in consultation with the County Council PRoW and Access Service who are the Highway Authority for PRoW (full KCC response in respect of PRoW is available in Appendix 1). In respect of paragraph 4.4.13, routes via PRoW should be upgraded to encourage use focusing on personal safety

(lit/visible from nearby properties) and with all-weather surfacing to meet mode share targets. Design details are required to ensure this can be achieved. The County Council would ask that this be done with consultation with the County Council's PRow Service. All other highway routes should be well lit and provide safe journeys.

In respect of paragraph 4.6.18, there is a need to understand what scope there is for implementation of an increased frequency of rail services stopping at Barming Station given the consequent time penalty incurred to main line train journeys. The measures proposed for Barming Station will need to be defined so that this can be appropriately assessed to ensure the development is suitably connected and can offer alternative transport solutions.

In terms of the proposed highway schemes or measures, it would be useful to understand the phasing/trigger when each scheme will be implemented so that it can be agreed and appropriately conditioned, should planning permission be granted.

Transport Assessment Volume 5 – Multi Modal Assessment

It is unclear what has been included within the committed development trip generation. The checklist within Appendix G does not show green in the "Flows Impact Development" column against either 17/01595 *Land south of London Road and East of Hermitage Lane* or 20/01820 *Aylesford Newsprint*. Also, the Figures that follow, particularly Figures 4.9 and 4.10, do not show the link road which will run between London Road and Hermitage Lane, as a committed scheme, as part of planning consent for 17/01595. The committed development flows shown for 17/01595 look low, and do not meet the expected trip generation seen within the Tonbridge and Malling Local Plan model. The applicant should ensure that the correct flows have been applied from the consented scheme.

The County Council would seek that the applicant confirm which sites are included within the Additional Committed Development Flows Totals for the AM and PM peak link diagrams.

The sheet for Additional Committed Development Flows Total AM seems to have an error on the flows for Hermitage Lane travelling northbound (see screenshot below), which is not evident in the other diagrams provided.

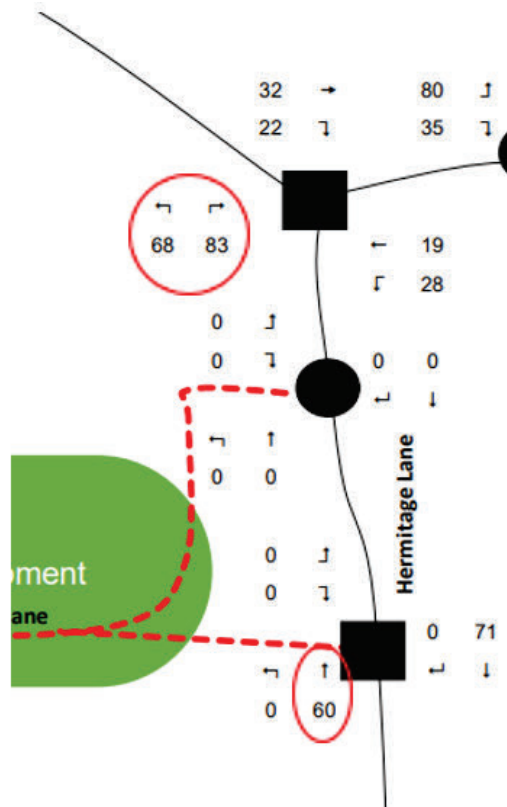


Figure 4.21 has some of the traffic flow figures missing as three hashtags are shown in some locations on the diagram. The County Council requests that this is corrected.

Within the TRICs assessment, sites in Ireland have been included. These sites should be excluded from any final dataset.

Section 3 has highly aspirational targets for both Public Transport travel and working from home – evidence to show how these can be achievable should be provided to the County Council.

Paragraph 4.1.7 is incorrect because the County Council, as Local Highway Authority, preferred for the tests to be undertaken via the Tonbridge and Malling Local Plan model, however, the applicant decided to use the Maidstone Local Plan model, as it had been signed off by National Highways. The use of the Maidstone Local Plan model was heavily caveated by the County Council and Jacobs.

Transport Assessment Vol 6 – Monitoring & Evaluation Plan

As detailed within the Multi modal assessment, a vision-led approach is being progressed by the promoter for this application and is in line with national policies, and is therefore an acceptable strategy to the County Council. A plausible aspirational scenario should enable sustainable journeys to be undertaken to key destinations where required improvements / measures can be delivered and a lower projected car trip rate, which fits the various aspirational targets. The difficulty will be in delivering measures outside of the development site where the network is constrained. A key requirement will be for mitigation measures to be delivered by the applicant.

The applicant has produced a Monitoring and Evaluation Plan (MaEP) based on the evidence gathered during earlier sections of the TA and this will be reviewed once some of the earlier points are clarified. The effective implementation of this plan will be critical to mitigating the impact of the development and adapting mitigations over time to deliver agreed outcomes. In principle, the inclusion of a mobility hub (car club, cycle hire, secure parcel lockers, etc.) and a framework travel plan, are positive inclusions to the planning application.

Summary

It has not been possible to review all the documentation associated with this planning application at this time due to the absence of key documentation.

Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the local highway network.

In light of the above review, the County Council, as Local Highway Authority, recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months from the date of this response to allow the applicant to resolve the outstanding matters.

This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.

Public Rights of Way (PRoW)

The County Council, in respect of PRoW, provided its response direct to the Borough Council on 11 April 2024 (Appendix 1).

Provision and Delivery of County Council Community Services and Infrastructure

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and the latest information from the applicant. It remains the opinion that it will have an additional impact on the delivery of its services, which 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 Table 1

	Per 'Applicable' House (910) *	Per 'Applicable' flat (260) *	Estimated Total	Project
*For the purposes of this outline planning application, the County Council has assumed a dwelling mix of 70% houses, 20% applicable flats (2+ bedrooms) and 10% non-applicable dwellings. As the dwelling mix may change as part of Reserved Matters, the County Council reserves the right to reassess the requirement for education places.				
Nursery	26 place Nursery at the new 2 Form Entry Primary School – Provided as part of the 2FE Primary School			
Primary Education	£7,081.20	£1,770.30	£6,904.170.00	New on-site 2FE primary school and/or **increased capacity in neighbouring Primary Education Planning Groups
Primary Land	1 No. 2FE Primary School site of 2.5ha at 'nil' cost to the County Council (transferred as per the County Council's attached General Site Transfer Requirements)			
Special Education	£559.83	£139.96	£545,834.90	Contribution towards a new special needs school serving this development and SRP provided within the Mainstream Education Schools on-site and within the Borough
Secondary Education	£5,587.19	£1,396.80	£5,447,510.90	Towards the establishment of a new 6 FE secondary school as identified at Broadwater Farm OR **An alternative new secondary school in either the Malling non-selective and Maidstone & Malling selective, or Tonbridge & Tunbridge Wells

				non-selective education planning groups.
**The flexibility required across education projects and education planning groups is in accordance with the Department of Education guidance on Securing Developer Contributions for education dated November 2019 (Para 20), which recommends that a preferred and contingency school expansion project is identified in a planning obligation to enable local authorities to respond to changing circumstances and new information				
Secondary Land	£4,785.97	£1,196.49	£4,666,320.10	Towards land acquisition costs at Broadwater Farm, or a new secondary school in either the Malling non-selective and Maidstone & Malling selective, or Tonbridge & Tunbridge Wells non-selective education planning groups

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered/extra care accommodation. Should any 1 bed flats be above this size threshold the County Council will reassess the requirement for education places.

Table 1 continued:

	Per Dwelling (1,300)	Total	Project
Community Learning and Skills	£34.21	£44,473.00	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally.
Integrated Children's Services	£74.05	£86,638.50	Towards additional resources and equipment to enable outreach services delivery in the vicinity, and/or the upgrade of existing youth facilities or sport infrastructure in the Borough
Library, Registrations and Archives	£62.63	£81,419.00	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development.
Adult Social Care	£180.88	£235,144.00	Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough

	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Community Buildings specification:	<p>*Design that is Dementia friendly with dementia friendly decoration and signage.</p> <p>*A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc.</p> <p>*Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with Changing Places Toilets (changing-places.org)</p> <p>* Provision of secure storage for Kent County Council Social Care, Community Learning, Libraries and Youth Service_</p>		
Waste	£52.00	£67,600.00	Towards Household Waste Recycling Centres serving the development, including at Laverstoke Road, Allington.

The County Council also draws attention to the contribution requests in respect of PRoW within Appendix 1.

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.
- Bonds will be required by the County Council for the Education contributions if the applicant wishes to pay the contributions in instalments. If the contributions are paid in instalments, the applicant will also be required to cover The County Council's borrowing costs for the construction of the schools.

Justification for Infrastructure Provision/Development Contributions Requested

The Developer Contributions Guide has been approved as County Council policy. Information on the areas the County Council 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 County Council Development 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 County Council has assumed (based on the submission material available) a dwelling mix of 70% houses, 20% applicable flats (2+ bedrooms) and 10% non-applicable dwellings. Based on this mix – which must be subject to regular review to ensure it reflects the final mix – the proposed development is estimated to generate up to 273 primary pupils. This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 2. Financial contributions towards construction 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 timetable and phasing (where available).

The County Council commissions new primary schools as either two or three forms of entry, and therefore one No. 2 Form Entry primary school will be required to support the development.

Applicant's Proposal – Primary School Site/Indicative Locations/Phasing

The site proposed for a 2FE primary school is 2.5Ha of land and this should be transferred in accordance with the County Council General Site Transfer terms (attached). The location of the site is to be agreed with the County Council, as the Statutory Education Authority.

The County Council will require further understanding of the phasing for delivery and access to the proposed School site and would encourage the applicant to discuss this with the County Council's Area Education Team and Property leads. The transfer of school land and delivery trigger must be subject to appropriate monitoring and review mechanisms within the S106 Agreement to reflect build-out rates and pupil demand, to ensure sufficient capacity and delivery to meet demand.

Greater detail of the proposed primary school site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information on: ground conditions, noise, air pollution, topography, public rights of way, flooding etc. and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments, the County Council will require four corner point co-ordinates of the site so that a thorough site inspection can take place before it would be able to confirm it is agreeable.

It is expected that all school sites will be served by vehicular and pedestrian/cycle routes prior to their opening, connecting not only the new communities to these schools, but also existing neighbourhoods in the locality. A suitable pedestrian crossing will be required to serve a safe link between the proposed local centre and the school.

In a scenario in which the school land was not required, discussions with the applicant and Planning Authority for the land to be of benefit to the local community could take place. In

such a scenario the County Council would need to provide confirmation, by notice, that the land is not required for a new school.

Nursery and Pre-School Provision

The County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. The County Council is seeking the provision of pre-school facilities within the new primary schools, it also expects to see the delivery of infrastructure on-site for use by the private / voluntary / independent (PVI) sector at affordable rents. Currently, approximately 40% of two-year old children are entitled to free early education (15 hours per week), while all three and four-year olds are entitled to 15 hours per week, increasing to 30 hours for those with working parents. Take-up for these places has been high. The County Council supports the provision of PVI nurseries on new developments (especially extended hours and provision for babies/under two-year olds) and will work with the applicant to advise on the appropriate method of delivery.

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. The County Council'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 Education, Health and Care Plan (EHCP) which sets out the provision they are entitled to. School-age pupils with EHCPs 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 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.

Secondary School Provision

The indicative housing mix provided by the applicant has been used to calculate the Secondary Education need created by the development. Based on this mix – which must be subject to regular review to ensure it reflects the final mix – the proposed development is estimated to generate up to 195 secondary pupils, equivalent to 1.4 Form Entry (FE). This need, considered cumulatively with other new developments in the vicinity, is assessed in Appendix 2.

Financial contributions towards construction 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 timetable and phasing (where available).

Secondary education demand is exceeding provision in the Borough, with a significant forecast deficit in places as extant permissions are built out, and the County Council awaits the build of the new school in the northern part of the borough to meet the needs generated by the current Local Plan. Consequently, this application will place additional pressures on education provision and a new Secondary school is required.

Should this application not provide this infrastructure, the County Council will be unable to meet the needs of the new population for secondary education places and the application would be unsustainable on educational grounds.

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 the County Council taking the freehold transfer of the site to reflect the price actually paid for the land.

Provision of Education Places

Please note that the process of providing 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.

The County Council 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](#).

Community Learning and Skills

The County Council 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 3 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

The County Council 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 3 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](#), the County Council has a statutory duty to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires the County Council 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 Borough at 827 items per 1,000 population is below the National standard of 1,532.

An evaluation of the impact of this development is shown in Appendix 3. 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 4 provides detail of the current shortfall in the provision of this service, and also explains the statutory duty upon the County Council 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 guidance in June 2019 - [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. The County Council 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 occupants' requirements.

Potential provision of care homes/extra care

Concerning the provision of older person care homes in Kent, the County Council has seen a steady decline in overall numbers in the past five years, with the situation further exacerbated by Covid-19. However, the number of people wishing to access purely older person care homes is reducing. Consequently, there are specific types of care home delivery models which the County Council would wish to support. For example, there is a significant demand for residential and nursing care homes that can meet the needs of people with challenging and complex needs, including dementia. The County Council would

encourage any new residential care home provider to join the County Council Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents. As such, the County Council recommends that the applicant works with County Council Adult Social Services to develop the most appropriate form of care delivery.

Advisory on Supported Living Accommodation

The demand for supported living accommodation (especially within the working-age population) has increased significantly. The County Council would wish to see the dwelling mix of this development to include a proportion of this type of accommodation. As such, the County Council recommends that the applicant works with County Council Adult Social Services to develop the most appropriate forms of care delivery.

Waste

The County Council is the statutory Waste Disposal Authority for Kent, responsible for the safe disposal of all household waste. Appendix 5 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 the County Council.

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.

To accommodate the increased waste throughput and mitigate the impact arising from this development, a contribution of £52.00 per household is required towards Household Waste Recycling Centres serving the development, including at Laverstoke Road, Allington.

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 the County Council is party to the agreement.

Any Section 106 or UU containing contributions for County Council services should be shared with the authority via the Developer.Contributions@kent.gov.uk email address prior to its finalisation.

If you do not consider the contributions requested to be fair, reasonable, compliant with CIL Regulation 122 or supported for payment, it is requested that you notify us 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 Planning Committee report being prepared and the application being determined.

Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, provided its response direct to the Borough Council on 19 April 2024 (Appendix 6).

Sustainable Urban Drainage Systems

The County Council, as Lead Local Flood Authority, provided its response direct to the Borough Council on 17 April 2024 (Appendix 7).

Heritage Conservation

The County Council has reviewed the application and provides the following commentary:

This site does not contain any designated heritage assets, but it does have potential for as yet unknown significant archaeological remains. There are known Palaeolithic artefacts from this site and this suggests potential for Early Prehistoric remains, some of which could be of considerable importance. This proposed scheme includes a new access which would pass very close to several designated heritage assets within East Malling, including Grade I listed St James Church and the Scheduled Monument of East Malling Roman villa.

In view of the proximity of the Scheduled Monument of East Malling Roman villa and the Grade I St James Church, the County Council recommends that Historic England is consulted on this proposed scheme. The reports supporting this consultation suggest no designated heritage assets would be impacted by this scheme and as such no designated heritage assets are going to be assessed. This is absolutely not the case, and the applicant needs to provide clarity on the proposed road to the west and to provide appropriate assessment.

Archaeology

Although this site does not contain many known Historic Environment Records (HER) sites, it has not been subject to any reasonable archaeological fieldwork. This means the archaeological potential is more “unknown” than “low”. The current understanding of the scale, nature and significance of past human activity within the proposed development area (PDA) is limited. Assessing the potential for Prehistoric, Roman and Early Medieval archaeology can be improved through understanding the geology and topography of the site and identifying key natural resources, such as water and wood. There are some indications from cropmarks, LiDAR data and especially recent archaeological investigations adjacent, that this area has been more utilised from the prehistoric period onwards, compared to earlier periods.

The geology of the site seems simple, that of Hythe Beds. However, these deposits can contain ragstone and fissures, which can contain remnants of Early Prehistoric activity. The topography also seems relatively flat and is predominantly heathland, high and well drained soils, with remnant evidence of ancient woodland and field boundaries. Such areas would be favourable for prehistoric and later occupation and settlement but also important for grazing and access to resources. The County Council notes that some data from the applicant's assessment seems to suggest possible barrow or mound within the site and this higher ground may be a place of ritual activity.

There have been several archaeological investigations in the surrounding open fields and these have tended to reveal new Bronze Age and Iron Age settlement sites. There are Roman sites in the area, including East Malling Roman villa and Roman settlement to the east and north, and there is potential for isolated farms, settlements or burial sites.

Some of the surrounding historic farm complexes, some of which still contain designated historic buildings, may be of Medieval origins. To the south of the site, within Well Wood, is a rectangular enclosure considered to be a Medieval settlement site. Remains associated with this medieval site could extend into the southern part of the development site.

The late 19th/early 20th century OS maps indicate orchards and horticultural use, but parts of the site may contain remnants of field systems and designed landscape. Early OS maps clearly show an avenue extending south from Preston Hall, medieval and Post Medieval high status residence. Although much of this avenue has been lost, it's alignment is still reflected through footpaths and property boundaries. This avenue alignment would be worthy of being part of a positive heritage measure and be established as a historic footpath in the proposed landscape plan.

The proposed westerly access road extends past the East Malling Research Centre. This was an important 20th century research facility which led the way in innovations in transport and preservation of food products, particularly fruit, and was a national focus for horticultural research and experimentation measures. The buildings and research facilities are of heritage interest. They need to be considered as part of this major development because the development could have an impact on the setting of the EMRC, with the loss of the extensive horticultural landscape.

In view of the limited extent of known HER data, the archaeological assessment is inadequate without some element of supporting data from fieldwork. The County Council recommends a geophysical survey and targeted archaeological trenching is undertaken to ensure the archaeological assessment is meaningful. For example, the assessment notes a possible mound in a corner close to Deadmans Wood and this could be a barrow. The County Council suggests it is essential to understand if a cemetery site is within the application site. Predetermination evaluation work is highlighted in paragraph 200 of the NPPF.

Archaeological Landscapes

In view of the low level of past development on this site, there is high potential for the field systems to reflect post medieval or earlier origins. The lanes, footpaths, hedgerows, etc.

may have Medieval origins. Furthermore, given the proximity of the East Malling Roman villa and the Iron Age activity known to the east, some of the field systems may have Roman or prehistoric origins.

Preston Hall manorial complex and high status house was situated to the north but its associated designed landscape, including carriage rides, pastoral and agricultural activities, would have extended south into the proposed development site, such as an avenue of trees, marked on early OS maps and partly surviving. As such there is potential for archaeological landscape remnants of importance.

The early OS maps and Tithe Maps provide some indication of past activities and land uses, some of which may seem obvious but others, such as Deadmans Wood, are less clear. Semi-natural ancient woodland can contain physical evidence of post medieval or earlier woodland industries, for example charcoal burning, saw pits, wood banks etc.. Interpretation of the landscape is essential to inform potential as well as gaining an understanding of the archaeological resource. The County Council notes the proposed retention of Deadmans Wood, with a fence around it, but there still needs to be assessment of the archaeological resource within it, partly to inform the potential for archaeology adjacent and partly to inform a heritage interpretation strategy. This major residential development will have an impact on the woodland.

Built Environment

Although the PDA does not contain any designated historic buildings, the proposed scheme is likely to have an impact on East Malling medieval village, St James Church and several nearby historic farm complexes. St James Church has a very sensitive setting, character and possible "lost" associated remains. Detailed assessment of the impact from the proposed westerly access road and the increased traffic through East Malling, especially towards the station, needs to be undertaken to ensure assessment of impacts are clear and mitigation is appropriate.

This issue was raised before and the archaeological assessment does consider the westerly access but there is still no reasonable assessment of impacts on East Malling medieval village.

Assessment

The County Council recognises that this outline application is supported by assessment of archaeology and heritage issues. Chapter 15 Vol 1 ES provides a brief summary of cultural heritage but there is some mention of heritage in the Planning Statement and Design and Access Statement. There is no fieldwork data to support the desk-based work and as such the archaeological assessment is not definitive or sound.

In general, the Desk Based Assessment and Environmental Statement assessment provide a useful summary of the archaeological potential but are insufficient in depth and understanding of the known and potential archaeological resource of the PDA. Chapter 15 tends to focus on archaeological landscape issues and the consideration of potential for buried archaeology is extremely limited. The County Council notes that some issues have

been raised before and have been considered but there are still some issues which need further assessment prior to determination of this application. A fundamental flaw is the lack of supporting fieldwork data. As such the archaeological assessment is not yet of sufficient depth to provide reasonable guidance on archaeological issues.

In view of this the County Council recommends the following further assessments are essential prior to determination of this application:

- Greater in-depth assessment of designated heritage assets of St James Church and East Malling Roman villa and their settings, in view of their close proximity to the proposed access to New Road. Historic England needs to be consulted on this scheme with particular clarity needed on the western access route;
- A specialist geoarchaeological and Palaeolithic assessment;
- An additional Archaeological Landscape Assessment for ERM to ensure the impact on the setting and significance of ERM is fully understood;
- A Geophysical Survey in view of the limited nature of HER and the size of this proposed development; and
- Targeted fieldwork, including consideration of targeted trial trenches to “ground truth”, desk-based and geophysical survey data. This would ensure the archaeological assessment is evidence-based and suitable mitigation can be proposed.

The County Council recommends the above further archaeological assessment is necessary pre-determination to ensure the archaeological assessment is sound for such a major application and that it provides meaningful evidence-based mitigation. Once a fully informed archaeological assessment has been achieved, archaeological mitigation could be addressed through suitable conditions. At the appropriate time, the County Council would like to recommend suitable conditions (such as AR5 and AR1 for geo-archaeological work).

Once a robust and comprehensive archaeological assessment has been achieved, the County Council would welcome discussions on positive heritage measures to support this major development. At present, the applicant is not proposing any heritage benefits. There are opportunities to utilise heritage to enhance the development’s landscape masterplan and to ensure there is raised awareness, understanding and enjoyment of the local heritage of the site. In accordance with Section 16 of the NPPF, such major developments need to take into account the local heritage and provide enhancement measures.

There are opportunities for heritage enhancement measures for this major development, although it would be preferable for such measures to be suitably informed. Preliminary recommendations for positive heritage measures could include:

- Reflecting historic landscape features in the landscape design, such as the Preston Hall access avenue designed as a footpath, interpretation for Deadman’s

Wood, retention of archaeologically important hedgerows and field boundaries and retention of footpaths identifiable on early OS map;

- Interpretation measures where the access road runs past EMRC; and
- Interpretation measures where the access road runs past the East Malling Roman villa.

Such positive measures could be addressed through a condition although it would be preferable to have a specific heritage interpretation measures item in a S106 Agreement.

The County Council will continue to work closely with the Borough Council to help to ensure the delivery of new housing and infrastructure in response to local needs. The County Council would welcome further engagement with the 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

Encs:

Appendix 1: Kent County Council PRow response dated 11.04.2024

Appendix 2: Education Assessment / New School Land costs

Appendix 3: Communities Infrastructure Assessment

Appendix 4: Social Care Assessment

Appendix 5: Waste Assessment

Appendix 6: Kent County Council Minerals and Waste response dated 19.04.2024

Appendix 7: Kent County Council SuDS response dated 17.04.2024



Robin Gilbert
Major Projects Team Leader
Tonbridge and Malling Borough Council

Public Protection
PROW & Access Service
1st Floor, Invicta House
County Hall
Maidstone
Kent, ME14 1XX

By Email:

Phone: 03000 413331
Ask for: Kate Beswick
Email: kate.beswick@kent.gov.uk

Date: 11th April 2024

Dear Robin

Application : Outline planning application with all matters reserved (except for access) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure. Application supported by an Environmental Statement

Location : Development Site Land East Of Kiln Barn Road And West Of Hermitage Lane Aylesford Kent

Thank you for the opportunity to comment on the above consultation, 24/00372/PA. As a general statement, KCC's Public Rights of Way and Access Service are keen to ensure that their interests are represented with respect to our statutory duty to protect and improve Public Rights of Way (PROW) in the County. The team is committed to working in partnership with all parties to achieve the aims contained within the KCC Rights of Way Improvement Plan (ROWIP) and Strategic Statement for Kent. Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

PROW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The value of the PROW network is in providing the means for residents and visitors to access and appreciate landscapes for personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion for economic benefit and improvement in air quality, and much more. The existence of the Rights of Way are a material consideration.

Public Footpaths MR102, MR481, MR485, MR486 and Public Bridleway MR484 would be directly affected by the development, with the wider network significantly impacted in the ways mentioned above and below.

The substantial size of this development will have an **adverse/high impact** on the PROW network, both on and off site through increased use, loss of amenity and future generation of traffic.

KCC PROW and Access request the following is **provided by condition** if permission is granted :

PROW Management Scheme to cover both construction and operation, provided and agreed by KCC PROW and Access as the Highway Authority for Public Rights of Way, at any future Reserved Matters stage of the application. This should detail widths, surfaces and path management during the development process, to ensure a timely and legal build out and reduce the negative impact on the PROW use.

We would advise the applicant of the following in relation to the PROW affected by the development and in terms of the wider area connectivity:

1. A full multiuser route should be provided initially beside what looks like the new access road at the East Malling end, which also incorporates some of the western end of MR102, then an upgrade of the eastern half of MR102/MR486 to link with bridleway MR484 to provide an east/west bridleway/cycle link. This upgrade can be achieved through a Creation Agreement with landowner consent. . The creation of new paths and upgrading of existing routes should be considered as positive outcomes of the scheme and we advise the applicant to engage with ourselves to ensure the correct legal process is followed.
2. Routes within the site should either be maintained on their current alignments, segregated from the road network in order to keep them traffic free, or diverted to appropriate new routes, also traffic free and surfaced to all weather standards. Any diversion proposal must be agreed by ourselves and follow the due legal mechanism of either TCPA or Highways Act legislation.
3. As mitigation for increased use of the Network in the area, as well as the impact on the amenity of the use (Landscape/visual), the loss of recreational walks in the countryside, we would seek S.106 funding for offsite improvements to MR484 north and east of the development to complete the links detailed above and improve off road connectivity for the wider area. We refer the applicant to the KCC Rights of Way Improvement Plan which outlines our objectives for improvement opportunities across the PROW Network.
4. We would seek S.106 funding for improvements to MR100 to link to the development to the north
5. We would seek S.106 funding for improvements to MR481 between the proposed development and Finch Close to improve pedestrian links.
6. The above will provide recreational, health and well-being benefits as well as connectivity and encourage modal shift.
7. In consideration of Kent Design standards and Police guidance, any forthcoming master plan should keep PROW within overlooked areas of Open Space, to facilitate a safer environment for path users. Path extinguishments and long-term severance of routes should also be avoided, to prevent fragmentation of the PROW network.
8. We advise engagement with the British Horse Society due to the level of equestrian use of the area network.

Comments are made in reference to the following planning policy.

- **NPPF (December 2023) para. 96:** 'to achieve healthy, inclusive and safe places', which specifically encourage social interaction, minimise crime and disorder and the fear of such, and enable and support healthy lifestyles.
- **NPPF (December 2023) para. 97:** to 'plan positively for the provision and use of shared spaces... support the delivery of local strategies to improve health, social and cultural well-being...guard against the unnecessary loss of valued facilities and services...and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'.
- **NPPF (December 2023) para. 102:** to be 'based on robust and up-to-date assessments of the need for open space, sport and recreation facilities ... and opportunities for new provision.'
- **NPPF (December 2023) para. 104:** 'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'
- **NPPF (December 2023) para. 108:** 'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
...
c) opportunities to promote walking, cycling and public transport use are identified and pursued
...'
- **NPPF (December 2023) para. 110:** 'Planning policies should:
...
c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);
...'
- **NPPF (December 2023) para. 116:** '... applications for development should:
a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

...'

KCC Rights of Way Improvement Plan 2018-28

This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.

Yours sincerely

Kate Beswick
Countryside Access Improvement Plan Officer
Public Rights of Way & Access Service

KCC developer contribution assessment for Primary Education

District:	Tonbridge and Malling	Non-applicable units:	130
Site:	Land East of Kiln Barn Road and West of Hermitage Lane, Aylesford	Houses:	910
Plan ref:	TM/24/00372	Flats:	260
Date:	15/04/2024	Total units:	1300

Assumed housing mix:
 70% Applicable houses
 20% Applicable flats
 10% 1-bed/non-applicable dwellings

Current and forecast pupils on roll for schools within		East Malling planning group										
DFE no.	School	2022-23 (A)	2023-24 (A)	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)
2514	Brookfield Infant School	180	180	175	169	166	159	157	156	156	156	155
5223	Brookfield Junior School	247	252	245	244	247	245	240	232	229	223	221
5208	Ditton CE Junior School	191	206	178	186	187	184	177	175	173	168	166
5212	Ditton Infant School	170	165	161	159	157	151	149	149	148	148	148
3324	Leybourne St. Peter and St. Paul CE Primary Academy	214	211	212	207	203	200	196	193	192	190	189
2562	Lunsford Primary School	209	208	208	206	202	197	192	188	187	183	182
2006	St. James the Great Academy	177	189	173	166	164	154	145	146	145	142	141
3057	St. Peter's CE Primary School	193	201	198	204	203	201	197	193	193	190	190
2030	Valley Invicta Primary School at Aylesford	383	386	370	367	354	372	361	352	351	348	347
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		1,964	1,998	1,921	1,909	1,881	1,861	1,814	1,784	1,774	1,748	1,739
Required capacity to maintain 2% surplus capacity		2,094	2,039	1,960	1,948	1,920	1,899	1,851	1,820	1,810	1,784	1,774

Current and forecast capacity for schools within		East Malling planning group										
DFE no.	School	2022-23 (A)	2023-24 (A)	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)
2514	Brookfield Infant School	180	180	180	180	180	180	180	180	180	180	180
5223	Brookfield Junior School	256	256	256	256	256	256	256	256	256	256	256
5208	Ditton CE Junior School	256	256	256	256	256	256	256	256	256	256	256
5212	Ditton Infant School	180	180	180	180	180	180	180	180	180	180	180
3324	Leybourne St. Peter and St. Paul CE Primary Academy	210	210	210	210	210	210	210	210	210	210	210
2562	Lunsford Primary School	210	210	210	210	210	210	210	210	210	210	210
2006	St. James the Great Academy	210	210	210	210	210	210	210	210	210	210	210
3057	St. Peter's CE Primary School	168	168	168	168	168	168	168	168	168	168	168
2030	Valley Invicta Primary School at Aylesford	390	390	390	390	390	420	420	420	420	420	420
Current and forecast capacity (1)		2,060	2,060	2,060	2,060	2,060	2,090	2,090	2,090	2,090	2,090	2,090

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

Expected pupil yield from new developments within		East Malling planning group		
Planning reference	Development	Houses	Flats	Primary product
TM/24/00408	Caldow House London Road Ditton Kent ME20 6DO	9	0	3
TM/23/03060	LAND WEST OF Slickens Lane, East Malling, West Malling	150	0	42
TM/23/01263	Development Site South Of Hillberry Farm Wateringbury Road East Malling West Malling Kent	12	0	3
TM/22/01570	Land North East And South Of 161 Wateringbury Road East Malling West Malling Kent	48	0	13
TM/22/00907	Land North Of 351 Hermitage Lane Maidstone Kent	39	0	11
TM/22/00701	Development Site At 84 And 86 Mill Hall Aylesford Kent (S106)	12	0	0
TM/22/00409	Land At Bunyards Beaver Road Allington Kent	299	98	91
TM/20/02749	Land South Of Barming Station And East Of Hermitage Lane, Aylesford, Kent (S106)	325	0	0
TM/20/01218	Land Adjacent Ditton Common North Of Rede Wood Road Oakapple Lane Barming Kent (S106)	118	0	0
TM/19/00376	Land South West of London Road and west of Castor Park, Allington Maidstone Kent (S106)	68	14	0
TM/18/02966	Development Site South Of Brampton Field Between Bradbourne Lane And Kiln Barn Road Ditton Aylesford (S106)	270	6	0
New developments within the planning area		1,350	118	163
This development		910	260	273

Assessment summary												
Detail	2022-23 (A)	2023-24 (A)	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)	
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)	56	21	100	112	140	191	239	270	280	306	316	
Expected pupil yield from new developments	163	163	163	163	163	163	163	163	163	163	163	
Surplus / (deficit) capacity including the expected pupil yield from new developments	-107	-142	-63	-51	-22	28	76	107	117	143	153	
Expected pupil yield from this development	273	273	273	273	273	273	273	273	273	273	273	
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-380	-415	-336	-324	-295	-245	-197	-166	-156	-130	-120	
Expected pupil yield from this development that on current plans for school provision cannot be accommodated	273	273	273	273	273	245	197	166	156	130	120	

Background notes:

Pupil forecasts 2023 employed from September 2023. Incorporating roll data from Schools Census Autumn 2022. Data from the Health Authority includes pre-school children born up to 31st August 2022. 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.

Education Build and Land Contributions

Appendix 1a

Site Name	Land East of Kiln Barn Road and West of Hermitage Lane, Aylesford
Reference No.	TM/24/00372/OUT
District	Tonbridge and Malling

	Houses	Flats	Total
Unit Numbers	910	260	1170

Dwelling mix calculated on assumption of 70% houses, 20 applicable flats and 10% non applicable flats

Secondary Education			
		Per house	Per flat
<i>Secondary pupil generation rate</i>		<i>0.20</i>	<i>0.05</i>
New Secondary Pupils generated from this development			195
New Secondary School build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	<i>£27,935.95</i>	<i>£5,587.19</i>	<i>£1,396.80</i>
Contribution requested towards New Secondary School Build			£5,447,510.90
New Secondary School site contribution			
Residential Land Price per acre for Tonbridge and Malling			£1,089,481
	Pupils	Hectares	Acres
<i>6FE Secondary School</i>	<i>900</i>	<i>8.00</i>	<i>19.768</i>
	per Pupil	per House	per Flat
<i>Land Rate</i>	<i>£23,929.84</i>	<i>£4,785.97</i>	<i>£1,196.49</i>
Total = Secondary School Site area x Residential Land Value x (Number of pupils generated by			
Contribution requested towards New Secondary School Site			£4,666,319.76
Total Secondary Education Build and Land contribution			£10,113,830.66

Education Build and Land Contributions**Appendix 1a**

Site Name	Land East of Kiln Barn Road and West of Hermitage Lane, Aylesford
Reference No.	TM/24/00372/OUT
District	Tonbridge and Malling

	Houses	Flats	Total
Unit Numbers	910	260	1170

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	Land East of Kiln Barn Road and West of Hermitage Lane, Aylesford
Reference No.	TM/24/00372/OUT
District	Tonbridge and Malling
Assessment Date	16/04/2024
Development Size	1,300
Non-Applicable Dwellings (under 56sqm GIA)	130

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 **58 clients**

Contributions requested from this development	£34.21 per dwelling
<i>1300 dwellings from this proposal</i>	£44,473.00

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 **161 clients**

Contributions requested from this development	£74.05 per dwelling
<i>1300 dwellings from this proposal</i>	£86,638.50

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 Tonbridge and Malling (Dec 2022) **827**

<i>Target: National Library Standard bookstock items per 1,000 population (upper threshold)</i>	1,532
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New borrowers from this development **337 borrowers**

Contributions requested from this development	£62.63 per dwelling
<i>1300 dwellings from this proposal</i>	£81,419.00

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

Net contributions requested for KCC Communities' Services	£212,530.50
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Development Contributions Assessment over the planning period 1/1/2019 to 31/12/2039

Site Name	Land East of Kiln Barn Road and West of Hermitage Lane, Aylesford
Reference No.	TM/24/00372/OUT
District	Tonbridge and Malling
Assessment Date	16/04/2024
Development Size	1,300

Net Social Care contributions requested:	
Social Care and Health Services	£235,144.00
<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>**https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing</p>	

A. ASSISTIVE TECHNOLOGY & HOME ADAPTATION EQUIPMENT	<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. ADAPTING COMMUNITY FACILITIES	<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>
C. SENSORY FACILITIES	<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>
D. CHANGING PLACE	<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>
E. SPECIALIST CARE HOUSING	<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>

New Social Care Clients generated from this development:	120 client(s)
<i>Forecast SC clients generated from ALL proposed developments within the District (up</i>	1,321 clients
Contributions requested from this development	£235,144.00
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, then the project will commence as soon as practicable once the funding target has been reached.

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

Site Name	Land East of Kiln Barn Road and West of Hermitage Lane, Aylesford
Reference No.	TM/24/00372/OUT
District/Area	Tonbridge North
Assessment Date	16/04/2024
Development Size	1,300

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)	
<i>Additional waste generated by new households increase the throughput of waste and reduce speed of waste processing at Waste Transfer Stations.</i>	
1. Applicable dwellings from this development	0
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	£9,963,313.00
4. Cost per new dwelling (£9,963,313 / 70,100 new homes)	£142.13
Contributions requested from this development	£142.13 per dwelling
0 dwellings from this proposal	£0.00
<i>There are no chargeable projects within the area</i>	

B. HOUSEHOLD WASTE RECYCLING CENTRES (HWRC)	
<i>Additional households increase queuing times and congestion at HWRC's and increase throughput of HWRC waste.</i>	
1. Applicable dwellings from this development	1,300
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	£3,338,400.00
4. Cost per new dwelling (£3,338,400 / 64,200 new homes)	£52.00
Contributions requested from this development	£52.00 per dwelling
1,300 dwellings from this proposal	£67,600.00
Contributions requested towards Allington HWRC (refuse facility)	

Net Contributions requested for KCC Waste from this development	£67,600.00
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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.

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Richard Bore - GT GC

Subject: FW: Planning Application Ref: 24/00372/PA PROPOSAL: Outline planning application with all matters reserved DEVELOPMENT SITE LAND EAST OF KILN BARN ROAD AND WEST OF, Hermitage Lane, Aylesford

From: Bryan Geake - GT GC

Sent: Friday, April 19, 2024 11:46 AM

To: planning.applications@tmbc.gov.uk <<mailto:planning.applications@tmbc.gov.uk>>

Subject: Planning Application Ref: 24/00372/PA PROPOSAL: Outline planning application with all matters reserved DEVELOPMENT SITE LAND EAST OF KILN BARN ROAD AND WEST OF, Hermitage Lane, Aylesford

Dear Sirs

PROPOSAL: Outline planning application with all matters reserved (except for access) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure. Application supported by an Environmental Statement

LOCATION: DEVELOPMENT SITE LAND EAST OF KILN BARN ROAD AND WEST OF, Hermitage Lane, Aylesford

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above planning application.

I can confirm that the application site is coincident with or within 250 metres of any safeguarded mineral processing or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 3013-30.

With regard to land-won minerals safeguarding matters it is the case that the area of the application site is coincident with a safeguarded mineral deposits in the area, they being the Hythe Formation (Ragstone), as shown in the extract from the Mineral Safeguarding Area proposals map (below) for the Maidstone Borough area, as part of the adopted proposals maps of the Kent Minerals and waste Local Plan 2013-30 as amended by the Early partial Review 2020, the application's submitted documentation (the submitted planning application site plan below is included for reference) shows that the proposed development is coincident with this safeguarded landwon mineral deposit.

Therefore, the application details should include a Minerals Assessment (MA) to determine if the safeguarded mineral deposit is not being needlessly sterilised by the development proposed, and if it is, whether an exemption to mineral safeguarding pursuant to Policy DM 7: Safeguarding Mineral Resources of the Kent Minerals and Waste Local Plan (KMWLP) 2013-30 (as amended by the Early Partial Review 2020) can be invoked. He submitted Planning Statement does not address mineral safeguarding, though the Environmental Statement Addendum: Volume 1, Main Text, Chapter 13- Soils, Geology and Contaminated Land does make reference to the need to do so. It states:

13.26 Therefore, consideration must be given under policy DM7 and DM9 of the KMWLP to whether the mineral could be subject to prior extraction, and economic and environmental viability of extraction. The KMWLP Section 7.5.5 states:

- However, applications for non-mineral development located in MSAs, which are promoted as a 'windfall site' (sites not allocated in a development plan) or which are being promoted on allocated sites that have not been the subject of a 'Minerals Assessment, will usually need to be accompanied by such an assessment. This assessment will be prepared by the promoter and will include information concerning the availability of the mineral, its scarcity, the timescale for the development, the practicability and the viability of the prior extraction of the mineral. Guidance on undertaking Minerals Assessments is included in the BGS Good Practice Advice on Safeguarding.

However, this has, it appears yet to be done and an exemption criterion of Policy DM 7 argued, or the exemption afforded by that of Policy DM 9, has not been advanced in the submitted application's details. It appears. Therefore, the County Council wishes to maintain a holding objection until this matter is addressed and an exemption to the presumption to safeguard the land-won minerals has been successfully made.

I hope that is clear, I remain happy to discuss any of the above further in order to assist the Council in its determination of the above proposal.

Yours sincerely

Bryan Geake BSc Hons (Geol), MSc, MRTPI

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Flood and Water Management
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Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: TMBC/2024/099897
Date: 17 April 2024

Application No: 24/00372/PA

Location: Development site land east of Kiln Barn Road and west of Hermitage Lane, Aylesford.

Proposal: Outline planning application with all matters reserved (except for access) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure. Application supported by an Environmental Statement

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 (March 2024) prepared by Charles and Associates and are able to provide the following comments:

1. The LLFA understand from the report that the current situation of the land can be considered as greenfield and no existing drainage arrangements are present. The proposed redevelopment of the site will change this situation and as such a surface water drainage strategy has been outlined.

The proposal presented within the report will be to utilise infiltration through a combination of attenuation basins and deep bore hole soakaways. Preliminary testing has been undertaken and has indicated that both options (shallow and deep) would be adequate to manage runoff.

As rightfully raised within the FRA and supporting RSK Geosciences report, there is a risk of gull features within the Hythe Formation on site. From the investigations undertaken, there were areas identified on site that may contain such features. Therefore, as part of any future reserved matters application, we would request that dynamic probing is undertaken across the areas allotted for drainage features. This is to ensure that these features are not activated by the inundation/concentration of water.

In addition to the request of dynamic probing, we would support the recommendation within the RSK Geosciences report (Section 11.7) of locating any infiltrating feature

at least 10m away from any foundations. This is to reduce the risks associated with the gulls (sinkholes) further.

2. The LLFA would raise the request of considering for redundancy within each of the drainage networks, to ensure they are resilient in the future. The preliminary design doesn't currently consider the potential of urban creep or the factor of safety value applied within the Microdrainage Modelling. These are items that would need to be applied as part of the Reserved Matters applications, when the layout and density of housing are confirmed.
3. It is acknowledged that the outline proposal for the surface water drainage scheme is divided into five separate networks. A phasing plan will be required as part of the Reserved Matters that clearly shows that each phase of development is served by its own independent network or that the drainage elements will be constructed as part of the enabling works. This is to ensure that the drainage is functioning as the development is being occupied.
4. Future consideration of pollution treatment per individual drainage network/ catchment area. This is to ensure that there is sufficient levels of treatment for each network. This should ideally be in accordance to the CIRIA SuDS Manual (2015)

The LLFA would advise that the following conditions are applied to the application should consent be granted:

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:

Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

Condition:

Development shall not begin in any phase 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 be based upon the principles contained within the Flood Risk Assessment prepared by Charles and

Associates (Revision A- March 2024). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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 175 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,

Daniel Hoare
Senior Flood Risk Officer
Flood and Water Management

Technical Appendix 8: General Land Transfer Terms – School Sites

1. Section 1

- 1.1. The following sets out KCC's general transfer terms for land. Specific terms will be provided where abnormal site conditions exist. Prior to transfer, the developer/landowner must provide a site-specific information pack containing formal desktop reports and, if necessary, intrusive land investigation reports by a competent registered expert(s). This pack should confirm that the land and associated areas are:
- i) free from the following, together with details of any mitigation works:
 - Contamination (including radiation)
 - Protected species
 - Ordnance
 - Rubbish (including broken glass)
 - Any adverse ground and soil conditions including subsidence, heave, and land slip
 - Occupation
 - Archaeological remains
 - Existing and planned noise generation from adjoining land that would require attenuation measures in the new school design
 - Poor air quality that would require mitigation measures in the new school design.
 - The presence of service mains such as drains sewers, electricity cables, water mains, gas lines and other utility or media crossing the land that would affect the land's ability to be developed as a school.
 - ii) above flood plain level and adequately drained
 - iii) close to accessible public transport (bus stop or railway station).
 - iv) to a set of levels (if required), specified by the County Council to allow construction of the new school to local planning authority requirements. This should include any relevant permissions required.
- 1.2. Should any of the requirements in paragraph 1 not be satisfied, the developer / owner must implement, at their own cost, an agreed remediation / removal / rectification / diversion strategy prior to transfer to KCC. This should include liaison with all statutory authorities and obtaining all necessary consents from neighbouring landowners and others as required.

- 1.3. Any remedial/removal/rectification/diversion works must be designed by competent professional companies and covered by a collateral warranty in a standard industry form for the benefit of KCC or its nominated body.
- 1.4. If the site is used for construction or other activities (apart from remedial / removal / rectification / diversion work) after the reports required in paragraph 1 has been provided; the developer/landowner must submit additional reports to ensure the criteria have still been met.
- 1.5. The land shall be transferred as a single, undivided site, and in shape capable of accommodating sports pitches to the appropriate size and levels for the type of school proposed, as set out in Department for Education [School Output Specification Technical Annex 2B: External Space and Grounds – May 2022](#))
- 1.6. KCC shall be granted a Licence for access onto the land prior to transfer to conduct surveys and technical investigations.
- 1.7. Before the transfer is completed, the land shall be clearly pegged out to the satisfaction of KCC's Director of Infrastructure's delegated representative. It must be fenced within the GIS co-ordinates to a minimum standard of 1.80m high chain-link security fencing on galvanised steel posts with double access gates secured by lock and key, or an alternative specification agreed with KCC.
- 1.8. The land shall be transferred as freehold, unencumbered, and conveyed to KCC with full title guarantee and vacant possession. There must be no onerous covenants that would limit use of the land as a school or restrict ordinary school activities. New covenants must not be imposed restricting the future use of the land.
- 1.9. The land must not be within a consultation distance (CD) around any major hazard sites and major accident hazard pipelines, as determined by the Health and Safety Executive.
- 1.10. Prior to land transfer, the developer/landowner must provide, at their own cost and subject to KCC approval, suitable free and uninterrupted construction access to a suitable location on the site boundary. Haul roads should be constructed, at no cost to KCC, and maintained to a standard capable of accommodating HGVs and other construction traffic.
- 1.11. The developer/landowner is to provide, at their own cost and subject to KCC approval, adopted services and utilities to an agreed location(s) within the site boundary. These are to be of sufficient capacity and depth to accommodate the maximum potential requirement without mechanical aid upon transfer. They should include fresh, foul, and surface water, gas (if applicable), electricity, and telecommunications with High-Speed Fibre Optic Broadband (minimal internal speed of 1000mbps) connections to multi-point destinations and capable of connection to commercial broadband providers. Necessary statutory undertakers' plant (such as electricity sub-stations or

transfer stations) shall be located outside of the site boundary: KCC shall not be liable for any associated commissioning, installation, or legal costs. See Section 2 below.

- 1.12. The owner shall provide KCC with full drainage rights to allow discharge of all surface water from the land. The surface water management requirements for the school site must be approved by the County Council at design stage, in accordance with the flood risk assessment and/or drainage strategy contained in the planning approval.
- 1.13. Where a new build school is to be delivered by the County Council, and the school site forms part of the wider development site, the developer will be expected to deliver the mandatory minimum 10% biodiversity net gain (BNG) for the school site, alongside the wider site BNG requirements. Where a new school site is separate from the development, a proportionate contribution will be required to cover the costs of surveys, the delivery of BNG in line with the regulations, and any associated legal fees.
- 1.14. The developer/landowner shall provide temporary electricity, drainage, and water supplies to the site from the start of construction where formal permanent utilities are not present.
- 1.15. A highway for vehicular and pedestrian use (adopted or capable of being adopted) suitable for the site's intended use as a school must be provided up to a suitable point on the site boundary. The highway and any alternative access must be approved by KCC, which will not be liable for maintenance charges should the developer chose not to adopt it. The developer/landowner must also provide crossing points, pedestrian and cycling routes on the adjoining highway networks and other measures as required by the Highway and Local Planning Authority to service the land. This will include active travel routes, linking the school site with the new development and existing dwellings.
- 1.16. The developer/landowner shall provide separate entrance and exit points on to the adoptable highway from the school site, in compliance with the Highway Authority's 'in and out' access requirements and guided by the site layout.
- 1.17. No overhead cables etc. shall be located within 250m of a school site. Where possible the developer/landowner must impose a covenant that none will be erected within this distance of any site boundary.
- 1.18. KCC shall be granted rights to enter as much of the developer's adjoining land as is reasonably necessary to carry out construction works on the site. KCC shall be responsible for making good any disturbance, to adjoining owner's reasonable satisfaction.
- 1.19. The landowner shall be responsible for KCC's legal costs, surveyor's fees and administrative costs incurred during the land transfer negotiations and in completing the Section 106 Agreement. These include Land Registry costs,

any easements/licences, and any other related documents and project management agreements.

- 1.20. Site plans to a scale of 1:1250 and marked with GPS coordinates showing site levels, access, boundaries, details of any adjoining development shall be supplied to KCC in a suitable electronic format, together with paper copies, prior to transfer.
- 1.21. Subject to the above, adjoining uses should not cause interference, conflict or be inappropriate in any way to school curriculum delivery. This includes, but is not restricted to, adverse conditions, disruption and inconvenience by noise, dust, fumes, traffic circulation, artificial lighting, etc.

2. Section 2

PRIMARY SCHOOL Service Requirements – Example for 2 Forms of Entry (FE)

2.1. INCOMING SERVICES

2.1.1. ELECTRICITY

350KVa (500amp) 3 phase incoming electrical supply for main base building with possible additional capacity/supplies for:

- Electrical infrastructure to allow for 20% of parking spaces with electric vehicle chargers (EVCs) - a minimum of 10% active and 10% passive - or in accordance with planning requirements if higher.
- External lighting (car parks, MUGAs etc)
- Life safety systems such as fireman's lifts, sprinklers, smoke ventilation.

2.1.2. GAS

A gas supply is not likely to be required.

2.1.3. WATER

15 cu m / day, 4 l/s (63mm NB)

2.1.4. FIRE HYDRANT

A 200 diameter 20 l/s fire supply in accordance with fire regulations, to be in the Highway adjacent to the school entrance and within 90m from an entrance to the school building.

2.1.5. BROADBAND

Before development commences, details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations to all buildings. This must provide sufficient capacity, including duct sizing, to cater for all future development phases, and flexibility to existing and future educational delivery needs. The infrastructure shall be laid out in accordance with the approved details, at the same time as other services during construction.

2.1.6. DRAINAGE

Surface water drainage shall be discharged in accordance with the approved strategy agreed at planning and following review by the Lead Local Flood Authority (LLFA).

In general, surface water flow from impermeable areas must discharge to the ground in the first instance, as stated within Building Regulations H3. Where underlying ground conditions are not acceptable, the site discharge rate shall be limited to greenfield runoff rates for appropriate design rainfall events. For initial design purposes, this may be assumed as 4 l/s/ha from the total impermeable area or can be calculated using standard guidance approved by the LLFA.

On some occasions, management of surface water runoff generated from the school site may be included within wider development site provision through a strategic surface water drainage system. This must comply with the allowances and provisions specified in the Drainage Strategy approved as part of the original site-wide planning application: the applicant must contact the LLFA before pursuing this approach.

The surface water drainage system must provide service levels that ensure the drainage network does not surcharge for a 1-in-1 year event or result in flooding within the site for the 1-in-30-year event and manages the 1-in-100-year plus climate change event within the site boundaries. It must also provide adequate access for inspection and maintenance.

Any drainage strategy should comply with the latest version of Kent Drainage and Planning Policy.

2.1.7. NOTE

These are indicative requirements. KCC will need to confirm exact requirements at the detailed design stages.

SECONDARY SCHOOL Service Requirements – Example for 8 Forms of Entry (FE)

2.2. INCOMING SERVICES

2.2.1. ELECTRICITY

380 kVA for main base building with additional capacity/supplies for:

- Electrical infrastructure to allow for 20% of parking spaces with electric vehicle chargers (EVCs) - a minimum of 10% active and 10% passive - electrical vehicle chargers as a minimum or in accordance with planning requirements if higher
- This means electrical infrastructure to allow for 20% of parking spaces with EVCs External lighting (car parks, MUGAs etc)
- Life safety systems such as fireman's lifts, sprinklers, smoke ventilation.

2.3. GAS - 134 cu m/hr 1,440 kWh

2.3.1. WATER - 5.5 l/s (63mm NB)

2.3.2. FIRE HYDRANT

A 200 diameter 20 l/s fire supply in accordance with fire regulations, to be in the Highway adjacent to the school entrance and within 90m from an entrance to the school building.

2.3.3. BROADBAND

Before development commences, details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations to all buildings. This must provide sufficient capacity, including duct sizing, to cater for all future development phases, and flexibility to existing and future educational delivery needs. The infrastructure shall be laid out in accordance with the approved details, at the same time as other services during construction.

2.3.4. DRAINAGE

Surface water drainage shall be discharged in accordance with the approved strategy agreed at planning and following review by the Lead Local Flood Authority (LLFA).

In general, surface water flow from impermeable areas must discharge to the ground in the first instance, as stated within Building Regulations H3. Where underlying ground conditions are not acceptable, the site discharge rate shall be limited to greenfield runoff rates for appropriate design rainfall events. For initial design purposes, this may be assumed as 4 l/s/ha from the total impermeable area or can be calculated using standard guidance approved by the LLFA.

On some occasions, management of surface water runoff generated from the school site may be included within wider development site provision through a strategic surface water drainage system. This must comply with the allowances and provisions specified in the Drainage Strategy approved as part of the original site-wide planning application: the applicant must contact the LLFA before pursuing this approach.

The surface water drainage system must provide service levels that ensure the drainage network does not surcharge for a 1-in-1 year event or result in flooding within the site for the 1-in-30-year event and manages the 1-in-100-year plus climate change event within the site boundaries. It must also provide adequate access for inspection and maintenance.

Any drainage strategy should comply with the latest version of Kent Drainage and Planning Policy.

2.3.5. NOTE

These are indicative requirements. KCC will need to confirm exact requirements at the detailed design stages.

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