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**By email**

**Subject: Otterpool Park**

## **Environmental Impact Assessment Scoping Report Addendum**

Our ref: Otterpool 2021\_EIAScopingAddendum

Date: 5 October 2021

Dear Mr Farrar,

In 2020 a Scoping Opinion request was made to F&HDC with respect to the proposed amended Otterpool Park Development, this was supported by a Scoping report. A Scoping Opinion was received from F&HDC on 31/07/20.

The Scoping Opinion request and accompanying Scoping Report was submitted on the basis of the following proposed Development description for Otterpool Park in Section 3.2 of that Report.:

*'The proposed Development that forms the basis of the EIA is located on 586ha of land within the site planning application boundary as shown in Figure 3-1 (Appendix A). The Figure includes an illustration of the emerging garden town character areas or "districts". The amended development proposals are to be resubmitted in outline for a new garden settlement of up to 8,500 dwellings and other uses including commercial, retail, education, health, community and leisure facilities, parking, landscaping, and public open space.'*

This Scoping Opinion Addendum request is in relation to two key changes. The first change is in relation to Westenhanger Castle. The second relates to other minor updates to the application site boundary.

### Inclusion of Westenhanger Castle

The first change is in relation to the following addition to the description of land uses, reflected by blue text below, which amends Section 3.2 of the Otterpool Park 2020 Scoping Report. Other text below is shown for context.

- 3.2.3 *The proposed land uses are described further below:*
- 3.2.4 *Character areas are anticipated to be created across the site (named Town Centre, Westenhanger, Riverside, Otterpool Slopes, Woodland, Hillside, and Valley & Woodland Edges). Refer to Figure 3.1 which illustrates the location of these areas.*
- 3.2.5 *The Town Centre and Westenhanger area is proposed to provide residential uses as well as education, employment, retail, transport, health, leisure facilities and*

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community uses. The Riverside, Otterpool Slopes, Hillside and Woodland areas are proposed to provide residential, small scale retail, community, health and education uses.

- 3.2.6 A network of formal and informal public open space will be provided across the site including parks, wooded areas and pitches for sport, recreation and leisure use.
- 3.2.7 The designation of strategic areas of public open space will take into account the need to preserve or enhance the setting of listed buildings within the site and to minimise the harm caused to heritage assets, notably Westenhanger Castle adjacent to and north of the site and Otterpool Manor in the southern/central part of the site.

NEW 3.2.8 : Continuing engagement with Historic England (HE) and Kent County has resulted in agreement that the Westenhanger Castle itself is to be used for a future community and commercial use. However, at this stage of the proposals the form, siting and detail of these uses has not been agreed with HE or KCC and discussions are on-going. It has been agreed with HE and KCC that further details of the Castle proposals will come forward at a later date following submission of the Otterpool Park outline planning application. The approach in planning terms would be to address the Castle uses and scheme detail through a subsequent 'drop-in' planning application.

- 3.2.9 A series of public footpaths and cycleways will be provided through the proposed Development to allow access for residents of the scheme without use of the private car. New highway and access routes for vehicles (including public transport) will also be provided focusing on the sustainable transport opportunities provided by the presence of Westenhanger Station.
- 3.2.10 Three new road bridge crossings over the River Stour are proposed to connect the Riverside area to the south.
- 3.2.11 An Energy Centre for the purposes of district heating and cooling is considered unlikely to be required. However, if assumptions change the effects of it would be assessed in the EIA.

The following text is included in the scheme description to address the assessment of the Castle land use change, under the Three Tier Approach to Assessment heading, following paragraph 4.2.5 of the Scoping report:

'As stated in para 3.2.8 [NEW], proposals for the Westenhanger Castle have not been agreed with KE and KCC beyond that of the use change itself and therefore there are no parameters for scale, form, layout and access. It has been agreed that Castle use proposals would come forward following submission of the amended outline planning application. Future physical works will evolve through the process set out within the proposed (Heritage) Conservation Management Plan (CMP), and will be subject to a future planning application, scheduled monument consent application and listed building application to agree the form of development. The principles established in the CMP will ensure that the physical works to come forward will be aligned with the general principles of the site wide design objectives of the proposals, whilst also facilitating sufficient investigation, evaluation and engagement to resolve a successful scheme for the future development around the Castle.

Any other changes that may be required to the ES as a result of a future planning application for Westenhanger Castle uses would be supported by addendum reports to the ES as appropriate'.

#### Minor application site boundary revisions

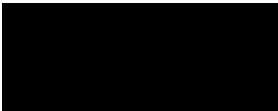
The second key change since the original Scoping Opinion request was made is in relation to the application site boundary, for which the following changes have been made (see insets of Figure 1):

- additional land included in the north west corner of the site to reflect the likely requirement for a wastewater facility (Figure 1, Inset A)
- additional land for highway junction works at Newingreen Junction (Figure 1, inset B)
- separation of the site boundary to create a gap between Holiday Extras and Little Greys (Figure 1, inset B) to reflect landownership boundaries; and
- revision to the E\_W aligned boundary adjacent to Lympe Industrial Estate to the north to reflect landownership boundaries (Figure 1).

The revised application site boundary will be considered in all assessments being undertaken for the EIA. There are no proposed changes to the approach and methodology of any assessment as a result of the amended site boundary.

I would be grateful if you would confirm acknowledgement of the above.

Kind regards



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Associate Technical Director

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CC. Tom Vernon – Quod  
Sara McKnight - Arcadis

Encs. Figure 1 Scoping Addendum Site Plan  
Otterpool Park 2020 Scoping Report  
Otterpool Park 2020 Scoping Opinion

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**From:** [REDACTED]

**Sent:** 27 October 2021 16:57

**To:** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Cc:** [REDACTED]  
[REDACTED]

**Subject:** RE: Otterpool Park 19/0257 - Scoping Addendum

Hi [REDACTED]

I refer to your letter below – thank you for seeking the LPA’s comments on the scoping addendum. The LPA has sought informal comments from KCC, Historic England, Natural England and the Environment Agency. To date, only KCC has confirmed it has no further comments to make. Following consultation with our own independent advisers (Temple as EIA reviewer and Mills & Reeve as our legal advisers) the LPA’s comments are outlined below. Given the importance of these issues to the front end of the ES we’re happy to set up a meeting to discuss further if this would be helpful.

### **LPA Comments on Scoping Addendum**

- The red line boundary amendments are relatively minor and we are content that they would not affect the scope of the EIA.
- It is understood that works on Westenhanger Castle will not be included in the planning application. They therefore cannot be included as embedded mitigation measures against the harm caused to the setting of the castle.
- Improvements to Westenhanger Castle that can be considered additional mitigation measures would be limited to restoration works – as the effects of anything else, such as new uses, should be assessed as part of the ‘ES Project’. To include these in the ES without including new uses of the castle etc would only be acceptable if any restoration works are entirely independent of the new proposed uses of the castle, which is considered unlikely based on what we’ve seen on the project to date.

Otherwise, one of two options should be proposed, either:

- A worst case (or Rochdale) scenario of new uses for the castle should be assessed, even if they aren’t part of the planning application, because they would still be considered part of the EIA project. This way, restoration of, and new uses for, the castle can be included as mitigation.
- The effects of Otterpool Park on Westenhanger Castle should be assessed absent of any work on Westenhanger Castle, including restoration and new uses.

For these two options the LPA recommendation is Option 1 and we refer to our previous advice contained within the M&R Heritage Note dated July 2020. For ease of reference, the relevant passage is extracted below:

Extract from LPA Heritage Advice (July 2020)

“...3.2 We therefore recommend that the Rochdale Envelope approach is followed to provide scope for the Heritage Project to be assessed in considering the outline application. Often used in the context of EIAs this approach seeks to ensure that a proposed scheme which is to be assessed is reasonably representative of the eventual development and includes detail sufficient to identify, predict and assess the impacts of the proposal.

3.3 The Rochdale Envelope approach would require the applicant to define a set of parameters for the Heritage Project and provide an assessment of the possible variations within those parameters in a manner that will aid the LPA in making a decision on the application. Typically this would include a range of options including any proposals which would have the maximum adverse impact on the Asset. The parameters of the proposals might include:

3.3.1 maximum footprint of new building to be comprised in the Heritage Project;

3.3.2 maximum number of vehicle trips;

3.3.3 setting limits on building height;

3.3.4 setting limits on the extent or car parking provision; and

3.3.5 restricting use of the Asset to certain Use Classes

3.4 Whilst a ‘worst case’ approach will provide greater flexibility in finalising the Heritage Project in due course, the parameters should nevertheless be clearly defined; the applicant should make every effort to finalise as much of the Heritage Project as they are able, in particular for example the extent of the Enabling Works. In addition, where the applicant has settled on one or two potential options they may wish to limit the scope of the assessment to avoid incurring unnecessary costs in assessing the impact of options which are unlikely to come forward.

3.5 The information contained and explained in the Environmental Statement, should demonstrate that the likely impacts on the Asset, either by direct physical change or to a change in its setting, and arising from the main development and separately from the main development plus the Heritage Project, have been assessed within the EIA for the OPA.

3.6 Following this approach the planning permission, through its conditions, will need to create defined parameters with which any subsequent drop in application must comply. “

The rationale is that in adopting this approach it is possible to include these as embedded mitigation measures and therefore include them in the overall heritage balancing exercise. Under Option 2 these benefits must be excluded these from the assessment. As certain assumptions, such as access, must already have been made as regard to trips to and from the asset we think it should be possible to include high level parameters with suitable flexibility even though the nature and extent of future long term uses remains unknown at this stage and that this approach would be beneficial to the project as a whole.

#### Monitoring and Mitigation Measures

- The LPA strongly recommends a summary table is included outlining all the proposed mitigation and monitoring measures so that it is clear to all parties what needs to be secured through legal or other mechanisms

### 'Three Tier Assessment'

- There is reference to 'three tier assessment' in the scoping addendum and we think this appears to conflate Rochdale Envelope or 'worst case' principles with the three tier approach which is a separate concept and not directly associated with EIA assessment. We refer to our advice above and previously on the Rochdale principles and we suggest these references are removed or reworded throughout the documents to avoid confusion.

Kind regards,

